Dr. Hugh W. Divine, Professor of Law

Wake Forest Jurist

Spring, 1979

Vol. 9, No. 2

DR. DIVINE'S PETS

After his introduction to the Law School's new Westlaw computer, Prof. Divine marveled at the machine's amazingly swift research capabilities. While many persons have always labored under the misconception that advanced electronics were responsible for this service, Dr. Divine explained that the system is actually based upon the work of thousands of gnomes who live in the West archives. When a query is submitted, the gnomes spring into action, quickly scanning the reporters and finding the right cases to send down the wire. Prof. Divine has developed a remarkable rapport with the gnomes, and gets even faster service by calling them by name.

WAKE FOREST JURIST

Vol. 9, No. 2 Spring, 1979

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STATEMENT OF PURPOSE AND POLICY

The *Wake Forest Jurist* is published twice yearly by the Wake Forest School of Law of Wake Forest University. Its main purpose is to inform the friends and alumni of the Law School about activities and events of interest at the Law School, of recent important decisions by the courts of North Carolina and other jurisdictions, and news of the achievements and activities of fellow alumni. In this way the *Jurist* seeks to provide a service and a meaningful link between the School of Law and its alumni. Also, the magazine shall provide a forum for the creative talents of students, faculty and its alumni and an opportunity for legal writing by them. Opinions expressed and positions advocated herein are those of the authors and do not represent official policy of the School of Law.

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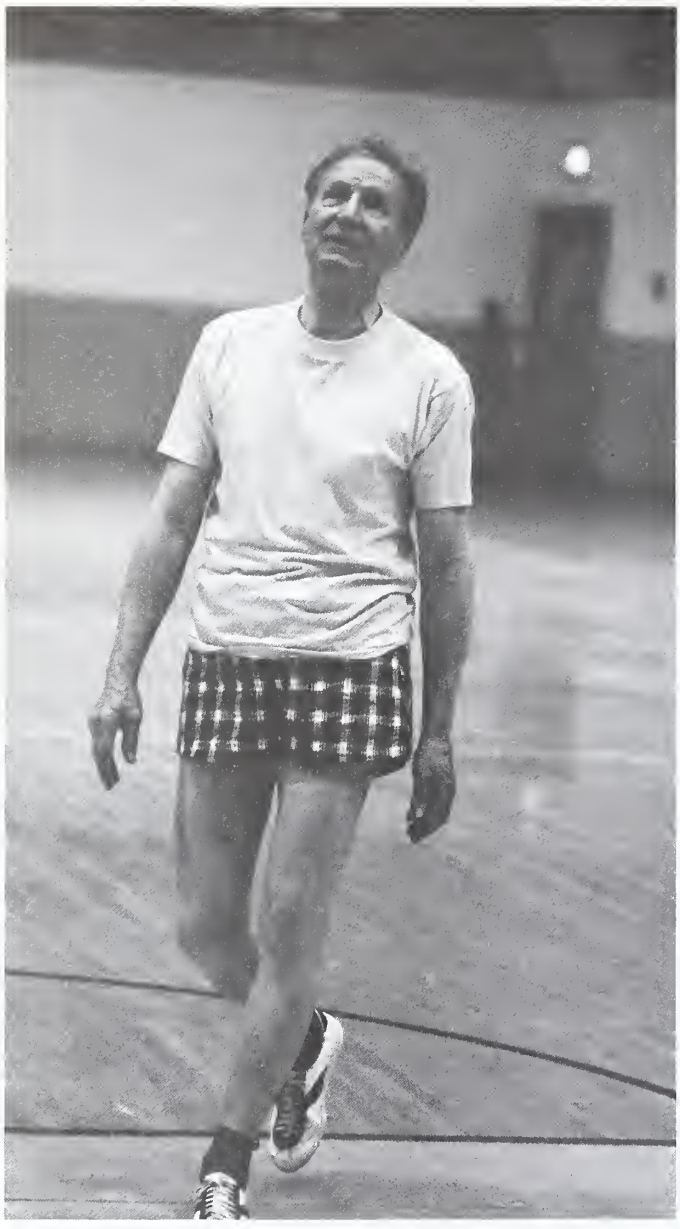


DEDICATION: HUGH W. DIVINE

by James E. Sizemore*

On a Sunday afternoon in the autumn of 1954, Dr. Hugh Divine, his wife Marian and their two little girls arrived on the Circle on the old Wake Forest campus. Dean Carroll W. Weathers, who lived in Raleigh and commuted to Wake Forest every day except Sunday, had asked me to meet the Divines and show them to their new home on Faculty Avenue North. "Faculty Avenue North" in this instance was the "barracks apartments" as they were called; actually army barracks left there after World War II. Many students and some faculty members were housed there, as no new housing was being developed in contemplation of the removal of the college to Winston-Salem in 1956.

From that day in 1954 until this day in 1979, my respect and affection for Hugh Divine has never faltered—because he has never faltered.

In my twenty-five years as a member of the Wake Forest Law School Faculty, I have had upwards of 40 or 50 faculty colleagues. None has been more pleasant—more reasonable—more considerate—more gentle or more tolerant than Hugh Divine.

He has taught courses in Contracts, Conflicts of Law, Debtors' Estates and Labor Law on a regular basis. In more recent years, he taught the course in Jurisprudence.

He served his share of time on several law school committees, but his service on one particular committee deserves special comment. Unlike many faculty members, he actually enjoyed serving on the Admissions Committee and willingly gave it the time and attention necessary for its proper and important function. This activity may explain his keen interest in the first year students. His constant attention to their needs not only helped to make faltering students into good students, but also to make good students into better students.

His method of teaching was not so much the imparting of law as it was to teach the students how to think about the law; and, after all, that is about 90% of lawyering.

His nickname is "Foggy." It is an accurate one as to what it pertains, and that is his misplaced books, coats and coffee cups. He did occasionally forget to go to class and to faculty meetings. But no one ever accused him of being foggy about the law or in his analysis of principles and precepts. No fog dims his view of ideals and purposes and there is nothing foggy in his thoughts of what life is all about.

His loyalty and devotion to Wake Forest has always been complete. He never seriously considered offers from other schools.

> He was not interested in the place that
> was far,
> He loved Wake Forest, where we all are,
> He never wandered on a desert drear,
> He was always happy—in the place that
> was here.

He never sought the public eye; he never jumped on any bandwagons; he never led any parades. There are always others to fill those roles. He prefers the quiet task, the humble walk, and the earthy business of getting the job done.

As a teacher, he is respected and admired; as a man, he is loved; tributes gladly given—by all who were fortunate enough to call him their teacher or their friend.

Professor of Law, Wake Forest University School of Law. (From his speech at the Law Day banquet, 1979.)

From the Dean

The Law School celebrated Law Day on April 7th with the traditional Student Bar Association sponsored banquet. In addition to marking Law Day, an event celebrated at Wake Forest for a number of years prior to the establishment of the National Law Day, two other important events were marked. First, Dr. Hugh Divine was honored on the occasion of his retirement. Second, Dean Don Scarlett, the new dean of the Law School, made his first appearance at the school since his selection. As a former colleague, he took part in honoring Dr. Divine.

We congratulate Dr. Divine on the completion of 25 years of service to the Law School, but he will be sorely missed. He is a teacher without equal and a warm human being. Stories about Dr. Divine are legion, avidly collected by his friends and students. We have been enriched by his presence.

Dean Scarlett returns to Wake Forest after a fifteen year absence. He brings with him both an understanding of the history and tradition of Wake Forest, developed during the eight years he taught here, and the benefit of his subsequent deanship in two law schools - the University of South Dakota and Drake University. We welcome him back and look forward to many years of success for the school during his tenure.

The Jurist-S.B.A. Outstanding Alumnus Award was presented at Law Day to Allen A. Bailey of Charlotte. He has distinguished himself as an outstanding trial lawyer in North Carolina. He also has been a continuing friend of the School of Law, visiting often to participate in the School's program in Trial Advocacy, both for law students and for continuing legal education. We congratulate him upon this well-deserved award.

In the last issue it was noted that the recruitment effort for this year would be substantial. It now appears that we will employ five new professors for the coming year, in addition to the new dean. As those new professors are assimilated, we will develop the shape of the school for the future.

The academic year has proceeded smoothly. One of the few rough spots was the larger classes which had previously been sectioned but which have been combined for this year. We look forward to the arrival of our new faculty members to aid in eliminating those sectioning problems.

One of the highlights of the spring semester was the Speakers' Program organized by Prof. Charles Rose and a committee consisting of Profs. Joel Newman and Ken Zick. Two outstanding speakers were brought to the school. Mr. Craig Spangenberg of Cleveland, Ohio, opened the program on March 6th with a dynamic talk on trial tactics and procedure. The second speaker was Peter M. Taylor, Queen's Counsel, from London England, who is currently prosecuting the Jeremy Thorpe case. Mr. Tayor visited with us for several days and presented an illuminating discussion of the quite different approach to trial advocacy in England.

Alumni response has been gratifying this year. We have had alumni gatherings in Fayetteville, Raleigh, Charlotte, Winston-Salem and Hickory with significant response at each one. The fund raising effort has been very successful thus far. We have received pledges totaling $150,151.63 form 43% of the alumni. Already a greater percentage has given more than in the entire preceeding year. Many alumni talked to students who called them during the telethon again this year. That is an event which a substantial number of students participate in and enjoy, and it certainly helps the school. The contributions and support of our alumni and friends are vital to the continued operation of the school.

I would like to take this opportunity to thank and to encourage those who show continuing affection for and loyalty to the Wake Forest Law School. I count it a real privilege to have served as Acting Dean for this year. The knowledge that those who love the school continue to support it has made that work pleasant.

Now, I join with you in welcoming our new dean, Don Scarlett, and wishing for him many years of success. He, too, will be dependent upon the continuing support of our alumni and friends.

Thomas H. Corbett, Jr.

"A Ray of Sunshine in a Sea of Fog . . ."

As most of you already know, our beloved Dr. Divine is retiring this year and will be teaching down at Buies Creek next fall. Campbell Law School will certainly welcome him with open arms as his reputation for wisdom and forgetfulness have preceded him. The entire Law Day program on April 7th was a tribute to Hugh Divine, who was presented with a $2,000 retirement check from the Alumni Association. His first year Contracts class honored him in their last class on April 25th with a "diploma" signed by all the class members, as well as a cake, bottle of booze, personal poem, and the presence of his wife, Marian. Additionally, Dr. Divine was "roasted" by his fellow faculty members and friends at a retirement dinner on May 5th.

Trying (desperately and in vain) for several weeks to catch up with Dr. Divine for this exit interview taught me patience (imagine my feeling of helpless frustration upon arriving at school for our third appointment just in time to see that blue VW fading down the road!). It also gave me pause to wonder whether his nickname is justified: I really think he's just plain slippery!

After standing guard outside the faculty library one afternoon until the faculty meeting finally broke up, I got my interview. Upon entering his office, Divine said, "I've been looking for you. Now sit down over there and let me interview you . . . . Did I ever show you that check they gave me at Law Day? I've never seen anything like it . . . ."(After about 20 minutes of fruitless searching through numerous pockets and drawers, we began. . . .)

Don Scarlett and Hugh Divine on vacation (1960)

Q. *How do you feel about leaving?*
A. Naturally, I don't like to leave Wake Forest or Winston-Salem, and if I leave it's not much of a leaving cause I'm gonna be back to see us win a least 3 home games in football and I'm gonna see us win some basketball games.

Q. *What will you be teaching at Campbell?*
A. First year students both semesters. I'll be teaching Criminal Law one semester and second semester Contracts and two other courses. I told Leary I could fit in with any of his needs if I got to teach first year students—except tax.

Q. *What's your favorite thing to teach?*
A. I think I'd like to teach Conflicts of Laws. I mean in addition to Contracts; it's the best, but that's just because it's first year students. Everybody's excited about learning. You never have to worry about motivating anybody. Most of 'em, at first anyway, are really excited. Of course, that puts a good burden on the teacher, y'know, to try to present something they can learn. You don't want to waste their time. They tell these first year students that they'll have to work hard. But what I tell you is you'll read 6 to 7 hours a day, but you don't think of it as work and drudgery. It's interesting, and if it's not, you need to finish first semester and go get you a job somewhere or go to grad school, because you don't ever get so you don't have to read stuff. And it's really interesting to try to decide how rules come from that stuff. . . .

Q. *What's your fondest memory from these past 25 years?*
A. I have a lot of good memories connected with the Law School; y'know, you remember a variety of things, even people you had in class or something special about them. Then you remember incidents about Wake Forest—maybe not important things, but you remember. . . . I suspect I remember a lot of students who started off a little bit on the slow side, more than maybe some of the good ones, because in the first year, the people you get to see are the ones who need help and come around. . . . I can still remember being surprised a couple of times I've graded an exam and then checked 'em all out to see who's the top one and say, I've gotta go look at this guy's picture!" If it was a girl, I always knew who she is, but if it was a man, I'd have to go take a look.

Q. *What will you miss most?*
A. That's hard—everything, like what's going on in athletics. And I think the school keeps getting better all the time and I'll miss seeing that . . . .

Q. *What's been the most important change here?*

A. I believe the student body as a whole has been a little more competent than we were for a long time. It's sort of an odd thing, though. I don't think the best students in class are any better than the best students I had in that first class. But we don't have anybody in class now that should fail. Certainly the average of the class has improved a whole lot. There just aren't very many who might not get to be really good lawyers. There's some good lawyers down below the middle of the class, too. Y'know the students ought to know it but they don't really feel sure about it. There's something about that exam that's measuring exam technique for getting extra points and not legal knowledge. Fortunately, when you start out practicing law, your success depends on how much you work a lot more than class rank. . . .

Q. *Can I get that from you in writing?*

A. The beauty of the law is you can do whatever you like. Everyone likes to do things he's successful at, and that's the fun thing—except golf. We keep on trying to play even if we're not successful. Another thing that's really fortunate about lawyers is that they don't ever have to retire. I have a friend downtown who's close to 85 and still a good lawyer.

Q. *What advice do you have for those of us who are graduating?*

A. Well, I try to tell all of 'em I think a person would do well to go out and practice law some, either with a firm or by yourself. I just think it's a good idea to go ahead and make yourself do it. Then, if you don't like it, you can always do something else. At least you won't always wish you'd tried it. Here's somebody saying that who never did go into practice. . . .

Q. *That's the kind of wisdom we'll miss around here without you, but I would prefer to think of you as being merely "on loan" to Campbell and still belonging to us.*

A. I just have the feeling I'm not going to go very far—I'm going to be around a whole lot here. You can't get used to the idea of leaving a place when you've been here this long.

Q. *For my own curiosity, what's the very first thing you read in the newspaper—sports page?*

A. No, I turn back to the comics and read the bridge column, cover up the east and west; never do get any of those hands right, though. Then, believe it or not, I turn to the want ads. I keep looking, thinking I'm going to see just exactly the right VW for me—the right kind. One that doesn't have very much mileage that I feel like I'm stealing from somebody. It's hard to find those. A Rabbit, that's the one I'm looking for: 4-door with air. I don't call, I just look and the next day it's gone. Whenever I see one, it's the wrong time and I don't have any money. . . .

Q. *Why don't you use that $2,000 from the alumni and go ahead and buy a car?*

A. Are you kidding? Haven't I shown you that check? Let me show you—it's one of the most curious things I've ever seen—I guess I should've read it that night at Law Day. . . .

A little more fumbling produced a much-folded, ragged-looking scrap of white paper with the following message (obviously hurriedly penned by a busy attorney!):

Pay to the order of Dr. Hugh "Foggy" Divine At Least Two Thousand Dollars — More On The Way.

W/Fondest Thanks,
The Dr. Divine Fund
Jimmy Barnhill

D. M. GLASS

FROM THE EDITOR'S MOTHER*

No love between most *ardent* lovers
(As close as pages are to covers),
Not even bond 'tween man and wife,
Nor even that of friends for life;

Not even that of sister-brother,
But *only* love that is from Mother
Will drive her on to type a brief
To save her child from (failing) grief.

So here I peck at 2 a.m.,
Limb so weary, eye so dim;
While thinking back to other days,
Of diapers, bottles, PTA's;

Of tantrums, lost lunch money, braces,
Upset stomachs, jellied faces,
Peanut butter in the bed,
Measles, gashes in the head;

Then dates and big ('til death) romances,
Dented fenders after dances;
Ringing phones and rock tunes blasting,
Typing papers..everlasting.

Bills for clothes and more tuition—
(Will we *ever* see fruition?)
Exams and honors, joy and madness!
Then.. Graduation Day!! What gladness!!

What well-earned rest! O happy day!
Until one day a call to say
"Guess what?? I'm entering law school!"
"How WONderful!!" (Oh, what a fool.)

So still I work (as mothers must);
Heart full of love (proud "fit to bust");
But with gray hair and bones that creak,
Spirit still willing, but flesh now weak.

O, child, when you have reached your goal,
Will you remember this poor soul?
When you are counselor of note,
Think kindly, please, of she who wrote.

And when you've learned about the courts,
Of contracts, pleadings, wills and torts,
Remember well this word of warning
From one who sat and typed 'til morning:

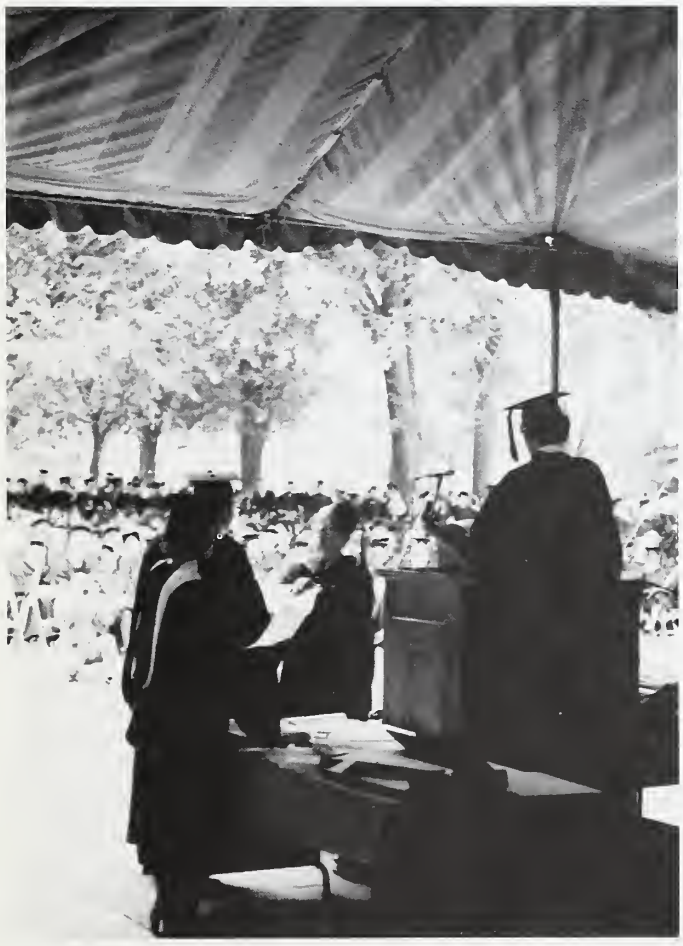
That should someday one vow to cherish,
You o'er all else 'til both do perish,
Do not expect a love more great,
'Cause, kid, *this* is love ultimate!

Mary Beth Roberts
March 23, 1977

**This poem was penned by the Editor's typist-mother in the midst of a first-year Legal Bib crisis.*

FROM THE EDITOR

We approach graduation with mixed emotions, for it signals the dramatic end of our law school experience as well as the beginning of our long-awaited professional careers in the "real world." As this semester, this year, this academic environment fade away, let us enter society not only with our law degrees but also with a sincere commitment to continuing our education in our day-to-day lives, as learning is a perpetually rejuvenating process. May we all strive to be the best we can be, an honorable aspiration which will serve as a tribute to our families, friends, professors, and *alma mater*.



LAW SCHOOL NEWS

SCARLETT ACCEPTS DEANSHIP

John D. Scarlett, past Dean at Drake University Law School in Des Moines, Iowa, and a former professor of law at Wake Forest, has agreed to be our next Dean. Scarlett's acceptance, announced February 6, resolves the uncertainty created by the resignation last August of former Dean Pasco M. Bowman, II. Scarlett indicated that he will assume his duties early in June.

A native of Pennsylvania, Scarlett attended Catawba College in Salisbury, N. C. After his studies were interrupted by 32 months in the military during World War II, he graduated magna cum laude with a bachelor's degree in English in 1948. In 1951, he graduated from Harvard Law School and went to work for a small litigation firm on Wall Street.

For the year 1953-1954, Scarlett served as Assistant Director at the Institute of Government in Chapel Hill where he helped organize and operate the legislative reporting service for the North Carolina General Assembly. After that, he taught for a year at Ohio Northern University Law School in Ada, Ohio. Then, in 1955, he returned to North Carolina to join the faculty of the Wake Forest Law School, where he remained until 1963.

Scarlett left Wake Forest in that year to become the Dean of the Law School at the University of South Dakota in Vermillion. His accomplishments at USD included the development of effective cooperation between the Law School and the South Dakota Bar and significant improvements in budgetary concerns.

In 1969, Scarlett accepted the postition of Dean of the Drake University Law School and has held that position until now. Under his leadership, Drake has seen the construction of a $2.5 million law building, a tripling of enrollment, and the development of new instructional programs. Scarlett was instrumental in setting up an extensive clinical program which allows students to work in the offices of judges, prosecutors, and legislators, and to try cases in court under the supervision of faculty advisors.

Scarlett was the University's first choice for the job. President Scales noted Scarlett's 15 years as a law school Dean and his reputation for maintaining good relations with students and faculty.

Scarlett has said he would like to do some teaching at Wake Forest and that he will work on increasing the endowment. His two areas of teaching expertise are constitutional law and products liability law.

Dean Scarlett made his first appearance at Wake Forest since the announcement at the School of Law's Law Day Banquet this April. Dean Scarlett joined numerous others in honoring retiring Professor of Law Dr. Hugh Divine.

Professor Leon H. Corbett, Jr., who has served as Acting Dean since last fall, continued in that capacity through graduation exercises in May.

FACULTY SPEAKERS PROGRAM

This year, the faculty at Wake Forest University School of Law established the Faculty Speakers Committee to provide a series of speakers addressing topics of professional interest. Under the chairmanship of Professor Charles Rose, the Committee chose as its inaugural theme "The Role of the Advocate."

The Committee last fall extended invitations to three highly renowned attorneys: Mr. S. Craig Spangenberg of Cleveland, Ohio, leading plaintiffs' counsel in civil damages actions; Mr. Richard "Racehorse" Haynes of Houston, Texas, famous criminal defense attorney; and Mr. Peter Taylor, Queen's Counsel and Eminent British Barrister, from England. All three accepted their invitations, but developments in the murder trial of T. Cullen Davis forced Mr. Haynes to cancel.

SEARCH FOR THE PERFECT JUROR

In early March, Mr. Spangenberg addressed a crowded courtroom at the Law School on the art of persuading a jury in civil damages actions. Speaking with a voice reminding some of Walter Cronkite and others of Dizzy Dean, Mr. Spangenberg lamented his fruitless and interminable search for the perfect juror—a Spanish carpenter, whose attitudes and reactions can be predicted by the attorney with unfailing accuracy.

Since the perfect juror ranks first on the list of endangered species, the attorney must resort to the intelligent use of various skills and techniques to obtain the verdict most favorable to the client. Essential to the intelligent use of such tools is the advocate's sensitivity to the values and needs of the individual jurors. Mr. Spangenberg said, "Those values must never be challenged directly by the advocate, or he sets himself apart from the jury." Noting self-esteem and a sense of order and security as typical needs of jurors, Mr. Spangenberg said advocates should present their case in such a way that jurors feel a verdict favorable to the client satisfies their needs.

The heart of Mr. Spangenberg's talk focused on the tools of advocacy: the attorney's personal prestige, the principles of primacy and recency, sincerity, audience attention, repetition, memorization, and the effective use of verbal and visual images. The following sampling of Mr. Spangenberg's thumbnail rules reveals his crisp style and solid horse sense:

Prestige: "Dress in the manner of the middle group of the jurors. The job is tough enough. Use every edge you can."

Primacy: "People tend to believe more readily the first they hear of a subject. At least 80% of the jurors will make up their minds about liability on the opening statement."

Recency: "The way to plan your trial is to plan it totally backwards. The judge's charge is the final argument in the case, and it's given by the most prestigious man in the courtroom."

Sincerity: "More than one half of all communication between humans is nonverbal. You will act sincere, you will make the appropriate gestures, your head will be in the right position—if you believe. That's the whole school of method acting."

Empathy: "Try to identify your client with the jury. The oddball got kicked out of the tribe. We haven't changed all that much."

Mr. Spangenberg concluded his talk with an extended comparison between the trial attorney and a playwright. Like the dramatic artist, the advocate should design the dramatic presentation of his case to unfold in a progression toward the conceived end—a verdict favoring the client.

ENGLAND'S TWO-TIERED PROFESSION

On April 9, Mr. Peter Taylor gave an address on "The Role of the Advocate in England." Mr. Taylor, Queen's Counsel and Eminent British Barrister, is currently Vice Chancellor and President-elect of the Senate of the Inns of Court and the Bar, a position analogous to the presidency of the ABA. Mr. Taylor's most prominent case at present involves the prosecution of Jeremy Thorpe, former leader of Britain's Liberal Party, which began in early May. Mr. Thorpe is charged with conspiring to murder a former male model who claims he was once the politician's homosexual lover.

Mr. Taylor's address explored the differences, and their British justifications, between the role of the advocate in America's "fused" profession and the British "divided" or "two-tiered" system. In America, licensed attorneys perform the full range of legal services from drafting wills to arguing before the U.S. Supreme Court. In England and Wales, however, solicitors handle most out-of-court matters while barristers are only called upon when a case has been developed by solicitors to the trial or appellate argument stage. While the solicitor acts on instructions direct from the client, barristers receive their instructions from the solicitor on behalf of the client. Since trial and appellate work in Britain does not include written briefs for the court, the barrister is chiefly valued for his skills in oral advocacy.

England and Wales have over 30,000 solicitors and only about 4000 barristers. In contrast, the number of attorneys in America exceeds 400,000. Barristers are divided into two classes: Junior Counsel, accounting for approximately 3700 of the 4000, and Queen's Counsel. Queen's Counsel are also known as leading counsel or "Silks," from the silk gowns of office donned at the installation ceremony. Queen's Counsel have "exclusive" right of audience before Britain's high courts: the Crown Courts, the High Court (important civil cases), the Court of Appeals, and the Appellate Committee of the House of Lords (Britain's highest court).

Mr. Taylor offered three principal justifications for continuing the two-tiered system in Britain.

First, the highly specialized art of oral advocacy requires that the practitioner receive specialized training and continuous experience. Barristers must cultivate verbal skills and mental agility through training and dedication. If the client's legal position appears unavailing, the barrister must be able to develop secondary lines of argument on his feet. While the analogy is incomplete, one might consider solicitors as general physicians and barristers as surgeons.

Second, the system increases the detachment with which cases are handled. Whereas the solicitor handles many diverse interests of a client and hence may be too close to the client's perspective to offer an objective appraisal of a case's merits, the barrister's judgment is not so affected. This source of detachment, according to Mr. Taylor, conserves precious judicial resources by minimizing frivolous or nonmeritorious proceedings while enhancing the impersonal quality of justice.

Third, the system leads to greater integrity on the part of those charged with arguing before the courts. The smallness of the group allows more rigorous self-discipline and correspondingly greater trust among professionals than would otherwise be true. Opposing barristers can trust one another not to pull punches by way of questionable stipulations, unreliable evidence, surprise arguments, and the like. This trust leads to greater efficiency through the expeditious handling of complex legal matters.

Mr. Taylor next addressed a number of key differences between British and American practice. Placing a premium on the individual, the British system does not allow barristers to form partnerships. The British attitude is that partnerships breed security and security breeds mediocrity, whereas the principle of "survival of the fittest" breeds excellence. Nor may barristers refuse an unpopular client or cause—provided the fee is adequate. Even IRA terrorists have access to the best legal minds in Britain. The British system does not include contingency fees. The barrister establishes his fee based on the solicitor's initial brief, and the fee is paid regardless of the case's final outcome. Mr. Taylor said this approach helps avoid inflated claims for damages and, to some extent, lessens the workload of the courts.

The British prosecutorial system provides one of the most interesting points of contrast with the American legal system. In Britain, there is no strict dichotomy between prosecutors and defense attorneys. A barrister may serve as defense counsel in one case and as prosecutor in his next case. The advantage in the British system is that all barristers have keener insights into both sides of criminal cases, which again operates to maximize efficiency and detachment.

Mr. Taylor concluded his address by explaining that barristers continue to wear wigs and gowns in court because that's the way it's been since the time when mankind's memory runneth not to the contrary. He was pleased to inform his concerned American friends, however, that British enlightenment had indeed advanced to that degree of wisdom which permits the removal of these solemn accoutrements of office if the day is preternaturally muggy.

The day after his address at Wake Forest, Mr. Taylor was escorted downtown to Superior Court by Professor Kenneth Zick. There, Mr. Taylor met Judges Edward K. Washington and Hal Hammer Walker, and he got a taste of American justice by sitting in on a case before Judge Walker. The case involved a high speed chase, women trouble, and accusations by the defendant that the police were out to get blood. Mr. Taylor expressed regret that, because of his plane flight, he would have to miss Judge Walker's summation of the law for the jury. Judge Walker, respected for his legal acumen but also known as a good ol' boy, responded wryly, "If I thought I was going to be listening to me, I'd be on that flight with you."

NEXT YEAR

This year's Faculty Speakers Program was offered on a trial basis. The caliber of speakers, the quality of their remarks, and the level of interest and appreciation displayed by the audiences all support continuation of the program next year. If members of the faculty decide to continue the series, alumni, and indeed all others who have an opportunity to hear future speakers, should take advantage of this worthwhile program.

Sam Wellman and guest speaker Craig Spangenburg.

Old and new officers of the Moot Court Board (left to right, sitting): Laura Crumpler, Kay Johns, Rebecca Helton, Wes Agee, Marc Van Nuys, Wayland Sermons, (standing) Allan Tarleton, Doug Powell, Nita deRoos, Melinda Melhorn, and Dave Boone.

MOOT COURT BOARD

This spring a record number of students entered the Moot Court Board's Legal Bibliography Competition, the first year students' initiation to the moot court experience. Directed by Nita deRoos, the competition presented the issue of whether federal agents have the authority to covertly enter a business office to plant electronic eavesdropping devices. Each participant briefed one side of the case and presented two oral arguments, one on each side, in preliminary rounds judged and critiqued by second and third year members of the Board. After each student had argued twice, the field of thirty-eight contestants was narrowed to eight based on the combined scores from the brief and the oral arguments. The final round was judged by Professor Hugh W. Divine; David Boone, Chief Justice of the Moot Court, 1978-79; and Tom Ainsworth, author of this year's Legal Bib problem. Jon Mundorf received first place honors, competing in the final round against Joe Root. Semi-finalists were Carol Hebert and Steven Sartorio. Fred Granum, Richard Huffman, Debra Meyer, and Gordon Widenhouse qualified as quarter-finalists. Now in its second year, the Legal Bib Competition is excellent preparation for participation on the Moot Court Board. The high caliber of competition this year ensures that the rising second year class will play an important role in the Board's activities.

New projects face the Board during the 1979-80 school year as it contemplates Charter revisions and a refining of the team selection procedure. The Executive Council, led by Chief Justice Rebecca Helton and Associate Chief Justice Douglas Powell, includes Allan Tarleton, Chairman of the Legal Bibliography Competition; Marc Van Nuys, Chairman of the Stanley Competition; and Wayland Sermons, Chairman of the Appellate Advocacy Program. Melinda Melhorn will chair the Bench Brief Committee.

In March, the international law team of Kim Bauman, Lynn Burleson, Bob Crumley, and Stuart Markman finished third at the Jessup Cup in Nashville, Tennessee. Wake Forest was also well represented by the team of John Crone, Victoria Farmer, and Sam Lanham, as well as the team of Bill Gardner, Douglas Powell, and Marla Tugwell at the J. Braxton Craven, Jr. Memorial Competition at the University of North Carolina. Earlier this spring Rebecca Helton, Wayland Sermons, and Marc Van Nuys travelled to Williamsburg, Virginia, for the William and Mary Invitational.

In April, Sam Behrends and Marc Sandman briefed and argued a securities problem in the Kaufman Competiton, the first time Wake Forest has entered this New York tournament. Wake Forest was also the only southern school to compete in the Mugel Tax Competition in Buffalo, New York, where Laura Crumpler and William Mills joined some twenty other teams.

LAW REVIEW

The *Wake Forest Law Review* began its fifteenth volume with the first issue of 1979. Recent issues reflect the continued efforts by the *Review* to be responsive to the needs of its subscribers. That effort has resulted in devoting much of the June issue to recent developments in evidence.

The subscribers to the *Review* were recently surveyed as to their desire for treatment of particular cases and areas of the law. The results indicated need for law review material on the areas of taxation, corporate law and criminal law. The *Review* is attempting to respond to these needs; for example, casenotes dealing with taxation are in both the February and April issues. Particular cases were mentioned by those responding to the survey and the two cases mentioned most often will be treated in the current volume. The *Review* thanks those who responded to the survey, and would appreciate similar requests or suggestions in the future.

Among the accomplishments of the 1978-79 Board of Editors was a more complex spading system, which would result in more substantially accurate material. Also, in the hope of establishing a more regular publication schedule, a contract was signed with a different printer.

The new Board of Editors for 1979-1980 was chosen by the 1978-1979 editors on March 4, 1979. Steve Garland is the *Review's* new editor-in-chief. Randall Morrow is the executive editor and Ernie Murray is the managing editor. The business editor is Edith Pierce. Lead articles editors David Jones and Richard Gay will solicit timely articles from legal scholars and practitioners during the coming year. Mark Poovey, Cindy Pauley and Larry McGee, the notes and comments editors, will work closely with staff members writing on narrow legal topics and recent cases of interest. The research editors, who are responsible for finding newly decided cases of legal significance, are Paula Dean and Allen Mosely. Of course Melanie Nutt will remain as administrative assistant.

ENVIRONMENTAL LAW SOCIETY

The Environmental Law Society is open to any student interested in environmental law. The Society sponsors speakers on environmental issues, encourages publication and research on environmental problems, and also sponsors outings. Expanded plans for the coming year include volunteer research by members for attorneys involved in environmental litigation. Co-chairs for the 1979-80 school year are Chuck White and Kay Killian.

JURIST

In spite of skyrocketing printing and postage costs coupled with a severe budgetary crisis, *The Jurist* has enjoyed a most satisfactory year. We appreciate all alumni input, whether in the form of information, legal articles, suggestions, pictures, or dollars. We apologize for misspellings of names and firms. We are particularly embarrassed about the omission of Fred Turnage's name in the caption below his picture at the bottom of page 18 in the fall issue, especially since we were told that his very first unexplained absence at the 1979 Law Day festivities was most likely due to his pain and suffering over this mistake (sorry, Fred; you were missed!)

Next year's Board of Editors, led by Geoff Mangum, includes Sally Foster, Joe Long, Randy James, and Peggy Abrams. These people have been involved with the publication this year, and possess the dedication and skills to carry on in the finest tradition. Under consideration for next fall's issue is a feature on "Legal Ethics." If you are interested in this subject and the ramifications thereof, or would like to write on some aspect of this controversial topic, please let us know.

STUDENT TRIAL BAR

In the Fall of 1978 four third year students, John Ross, Morris Caddell, Randy Hunter and Steve Halstead, formed the Student Trial Bar to promote the development of students' trial skills and provide increased exposure to the workings of courtroom practice. The STB is designed to familiarize students with all phases of the trial, both civil and criminal, from the initial pleading to the final order. The STB will work closely with the Trial Court course presently open to third year students.

During the 1978-79 school year the STB held its first official function, a *voir dire* exercise, organized by third year student Jennifer Mulligan. Second and third year students participated as attorneys and jurors conducting jury selection in fictitious cases before a panel of judges. Reaction to the event was very positive, and the group plans to repeat the *voir dire* next year along with exercises in direct and cross examination, motions and pleadings, juvenile court proceedings, and bankruptcy proceedings.

Officers have been selected for 1979-80. Van Britt will serve as President, Peggy Abrams as Vice-President, and Kay Killian as Secretary. The new officers are optimistic about the future growth of the STB. They hope to work closely with Dean Scarlett during 1979-80 to advance the organization from its formative stages into a vital student activity at the law school. The officers encourage alumni to offer suggestions of activities which would provide trial experience for students.

BALSA

In keeping with its commitment to substantially increase the number of Black students at Wake Forest School of Law, the Wake Black American Law Student Association continued a program of recruiting at predominantly Black colleges and universities in North Carolina and throughout the Southeast. With the cooperation of the Admissions Office, recruitment aimed at Black students took place at several schools with BALSA members serving as recruiters.

New efforts to attract minority students also included a visitation day for minority applicants sponsored by BALSA and the Dean's Office. Those applicants who attended spent the day with present members of BALSA. They visited several classes and had lunch with leaders of various student organizations to learn more about these activities. Next year BALSA hopes to extend earlier invitations to more applicants.

This year BALSA held a reception for members of the Black legal community to provide interaction with present students. Also, several members of BALSA attended the North Carolina Association of Black Lawyers meeting here in Winston-Salem.

BALSA hopes to continue the minority recruitment effort next year and to help those minority students who do attend Wake Forest adjust to law school. Membership in BALSA remains open to all Wake Forest law students.

PHI ALPHA DELTA

The PADs had a full schedule of social and professional events this semester. New officers were elected and future events were planned.

The Annual Spring Banquet, held at Joc-Lyn's Restaurant on April 21, highlighted the spring social calendar. Justice Joseph Branch of the North Carolina Supreme Court was the guest speaker. Also included in the spring agenda were the Annual Spring Cookout, a cocktail party at the Woods Apartments, and a hayride at the Polirosa. The PAD intramural sports teams concluded successful seasons in basketball, football, and softball.

On the professional schedule, PAD sponsored a mock trial for 8th and 9th grade students at Griffith Junior High School, with about twelve PAD members participating. The Police Ride Program was continued, allowing PAD members to experience first-hand the policeman's point of view in the criminal justice system by riding shifts with Winston-Salem police officers.

PAD membership increased by twenty-seven new members. Officers elected on March 8 were Ed Bunch, Justice; Tom Ainsworth, Vice Justice; Sally Foster, Treasurer; Chuck Grady, Clerk; and Marshall Hurley, Marshall. Brother-of-the-Year for 1978-1979 is Gary Mills. PADs look forward to another active and successful year.

WIL president Edith Pierce and BALSA president Sam Feemster with two applicants at the minority day luncheon.

National Trial Team members and advisors (left to right): John Ross, Tom Ferrell, Rhoda Billings, Mary Root, David Tamer, Leon Corbett, Charles Taylor.

NATIONAL TRIAL TEAM

This year, Wake Forest entered its first team in the National Trial Competition which is sponsored by the Texas Young Lawyers Association. The 1979 team consisted of Tom Ferrell, Mary Root, John Ross, and David Tamer.

All of the teams which participate in the competition are required to prepare themselves to function as prosecutors as well as defense attorneys. In actual competition two students are paired together, with each assuming equal responsibility for the presentation of the case. The trials are confined to opening statements, the presentation of evidence, limited trial motion practice, and closing arguments.

The competition involves a standard problem much like appellate moot court competition. This year's problem consisted of a three-count federal indictment which charged the defendant with harboring and concealing a fugitive, conspiring to travel in interstate commerce with intent to promote an unlawful act--in this case, bribing a public official--and traveling in interstate commerce with intent to commit an unlawful act.

The 1979 Regional Competition was held February 8-10 at the University of Mississippi School of Law in Oxford, Mississippi. All of the teams which entered the competition participated in two preliminary rounds. The team of Mary Root and John Ross defeated the University of North Carolina and lost to Emory University. The team of Tom Ferrell and David Tamer defeated Duke University and the University of Miami before losing in the quarter-final round to Emory University, the eventual winner of the competition. Professors Rhoda Billings, Charles Taylor, and former United States Attorney Woody Tilley served as advisors to the team along with Acting Dean Corbett.

CHRISTIAN LEGAL SOCIETY

The Christian Legal Society was organized during the fall of 1978. The Society offers an opportunity for its members to deal together with the relationship between Christian values and professional life. CLS programs include the participation of judges, attorneys, and law students, who share common vocational concerns, to deal directly with the interaction of beliefs and the profession.

CLS sponsored numerous speakers during the year, including District Court Judge Gary Tash, trial attorney Charles Redden, Chaplain Hendrix of the Forsyth County Prison, and local pastor Dr. Mark Corts. Other activities included student-led Bible studies and discussions, as well as a pot luck dinner and a cookout. Approximately fifty students were involved in these activities during the year.

Wake Forest was well represented at both the CLS conference held at the University of Virginia, which involved students from law schools in the eastern United States, and at the National CLS Conference entitled "Education, Christian Faith and the Law", held in Atlanta, April 5-8. Sam Lanham provided special music at the National Conference. Others in attendance were Jayrene Russell and Anna Wilson. First-year student Anna Wilson has been selected to serve as an intern at CLS National Headquarters in Chicago this summer.

Plans for the upcoming year include a conference for law students in North Carolina law schools, several combined meetings with the Christian Medical Society, and a continuation of the speaker program. The Society will be operating under the leadership of Sam Lanham as Chairman, and John Mundorf as secretary-treasurer. Acting Dean Leon Corbett has been serving as faculty advisor. This has been a very promising first year for CLS at Wake Forest, and the students are looking forward to continued involvement next year.

IPSE DIXIT

This semester, the Law School's newspaper changed its name from *The Hearsay* to *Ipse Dixit* (Latin: he speaks from his own authority). The name was chosen by the newspaper staff from approximately fifty entries submitted by students in response to a rename-the-newspaper contest. Third year student and Law Review Editor-in-Chief Mary Root won the case of beer.

Mike Pratt and Randy James, two first year students, acted as joint editors. Under their leadership, the format of the paper has changed from 11 x 15 newsprint to 8 x 11 quality-stock paper because the old paper tended to self-destruct after about three weeks. The new eight-page format includes news, announcements, features, letters, editorials, developments in the law, and two shovels full of something which, when prodded with a sharp stick, squirms sort of like humor.

Advertising accounts established last fall continue to supplement the budget, making an additional issue possible this spring. Of course, the *Ipse Dixit* serves to encourage student writing and to provide a vehicle for school communication and student expression. But equally important, the newspaper serves as a place where fresh first year students will find their eagerness to participate surpassed only by the wondrous wooden-headedness of second year hack writers.

PLACEMENT

In spite of continuing reports of a tighter job market, the records show that this year's graduates are being placed at a rate at least equal to that of last year. Of those now placed, 70% have accepted employment with law firms. This year's graduates will hold judicial clerkships as follows:

N.C. Supreme Court (two)
N.C. Court of Appeals
United States District Court Judges for —
— Middle District of North Carolina
— Eastern District of North Carolina
— Bankruptcy Judge, Middle District of North Carolina
— Florida
U.S. Magistrate, Middle District of North Carolina
U.S. Court of Claims, Washington, D.C.

Other employment includes:

Staff attorney, U.S. Attorney for the Eastern District of North Carolina
Honors program of the Internal Revenue Service
Judge Advocate General's Corps, U.S. Army (3)
Corporations (1 with Blue Bell; 1 with Ashland Oil in West Virginia)

This variety in employment will place new graduates throughout North Carolina, and in Alabama, Delaware, Florida, Georgia, Minnesota, Missouri, New York, Texas, West Virginia, and the District of Columbia.

The Placement Office is making a concerted effort to get more of our alumni involved in helping recent graduates to be placed. While the alumnus is not asked to help the student find a job, a general discussion of firms in the alumnus' home city or county is most helpful to a student considering locating in that area. Over the past year the assistance of many alumni, both in and out of state, has been invaluable.

Although the placement record for this year's class looks good so far, there can be little doubt that placement will become increasingly difficult in the next few years. The support of the alumni in the placement effort can make all the difference.

WOMEN—IN—LAW

Spring semester activities for Women-In-Law began in January with the opening of the intramural basketball season. The WIL team, "Minimum Contacts", led by coaches Tom Hicks and Chuck White, made a very respectable showing this year, ending up with a 5-3 season. The team had 15 players, representing all three classes at the Law School. On March 30th, in answer to a faculty challenge, the "Minimum Contacts" met "Foggy's Fabulous Five" for the second annual Faculty-WIL game. The Faculty again managed to overcome the persistent "Contacts" team by a close margin of 6 points.

Ellen Gerber, Staff Attorney for the Legal Aid Society in Winston-Salem, spoke on March 7th about the legal problems of women and the role of the woman attorney. She encouraged her audience to be sensitive to the special legal problems of women, especially those in areas of alimony, property settlements, support and child custody.

Spring social plans included a Pot Luck Dinner for students, faculty and staff, as well as the traditional Spring Picnic at Tanglewood Park. This event has always been a high point of the semester for all who attend, offering good food, good company, and generally mediocre softball. The picnic ended the year for WIL, but activities are scheduled to continue over the summer in preparation for August orientation.

Of special interest to this growing group is the fact that three of its female members headed the three law school publications this past year. Next year, both the Moot Court Board and the SBA will be led by women. Statistics from the placement office indicate that of the nine judicial clerkships accepted thus far, four have gone to women.

Faculty Notes

Pat Roberts is currently teaching the Future Interests course as an adjunct faculty member of Wake Forest School of Law. In 1968, Mrs. Roberts received her B.S. degree from Ohio State University in Columbus, Ohio. She graduated summa cum laude in law in 1975. Mrs. Roberts is a member of the Ohio Bar.

Raised in Ohio, Mrs. Roberts commented that she enjoys the warm North Carolina weather. She and her husband Tom, who teaches Property and Land Use Planning, have been in North Carolina for two years. They have three children.

Charles Rose will be on leave of absence during the 1979-80 academic year to attend the University of Michigan School of Law working on his Ll.M. degree.

George Walker will be a visiting professor at William and Mary School of Law for the academic year 1979-80.

NEW FACULTY MEMBERS

The Office of the Dean has announced that the School will have the following new teachers beginning in the fall of 1979:

Professor Francis Elwood Barkman. (B.A., St. John's College, 1938; J.D., Duke University School of Law, 1941). Professor Barkman practiced law with the firm of Sullivan and Cromwell in New York City for ten years. He has taught at the University of Toledo since 1956. His courses will be in the areas of Evidence, Criminal Law and Remedies.

Professor Donald R. Castleman. (B.S., Lambuth College, 1964; J.D., University of Tennessee College of Law, 1967). Professor Castleman was in the private practice of law for eight years. He has taught at Drake University School of Law since 1975. His courses will be in the areas of Trusts, Estate Planning and Taxation.

Associate Professor Charles S. Telly. (B.A., Williams College, 1954; J.D., University of Buffalo, 1958; M.A., University of Arizona, 1962; Ph.D., University of Washington; Ll.M., Columbia University, 1977). Professor Telly taught at a number of undergraduate schools before joining the faculty of the University of Dayton School of Law in 1976. He comes to Wake Forest as a visitor, and his courses will be in the areas of Corporations, Agency and Partnership and Corporate Finance.

Assistant Professor Joel M. Eichengrun. (A.B., Colgate University, 1969; J.D., Harvard Law School, 1972). Professor Eichengrun has been with the firm of Lipshutz, Macey, Zussman and Sikes, Atlanta, Georgia; Proskauer, Rose, Goetz and Mendelsohn, New York; and Pryor, Cashman, Sherman and Flynn, New York. His course areas will probably include Property and Professional Responsibility.

Assistant Professor Ralph A. Peeples. (B.A., Davidson College, 1973; J.D., New York University School of Law, 1976). Professor Peeples has been an associate in the firm of Squire, Sanders and Dempsey, Cleveland, Ohio, since 1976. His courses will include Debtor-Creditor law, Professional Responsibility and Legal Bibliography.

WIL - Faculty basketball game: Hatcher, Myers, Abrams, Holland, Humphreys, Bowman, Pierce, Billings, Hemphill, Miller.

JURIST EXCELLENCE IN TEACHING AWARD

This year the *Jurist* established the annual Excellence in Teaching Award. The recipient of the award is chosen by a vote of the third year class, and the purpose of the award is to honor a professor who exemplifies excellence in the teaching of law and who has had a significant effect on our legal education.

The recipient of the first award is Professor Issac Boyce Covington II. Professor Covington, a native of Wadesboro, North Carolina, received his B.A. from Davidson College and his J.D. from the University of North Carolina at Chapel Hill. He has been teaching for eight years, and came to Wake Forest in 1977 from the University of Puget Sound, with his wife, Marie, and their two children, Holly and Carter.

Professor Covington teaches contracts, negotiable instruments, debtor-creditor relations and commercial transactions at Wake Forest. His exuberant style and fresh approach to his material have led him to be accused of having "an evangelical approach to the UCC." The Jurist salutes Professor Covington.

(Some of Professor Herring's former students may be heartened to learn that Buddy-O received a consolation prize from his Domestic Relations class in the form of a pie in the face the following week!)

Professors Herring and Covington

LAW WEEK 1979

This year, the annual Law Day celebration was expanded into "Law Week", which included events throughout the week.

On Monday, a video film of Carroll W. Weathers, Dean and Professor Emeritus of Law at Wake Forest, was shown continuously, presenting his traditional welcoming speech to the first year class. On Tuesday, a video film was shown of Robert E. Lee, former Dean and Professor of Law at Wake Forest, giving his famous address "The Law is a Jealous Mistress".

Wednesday provided two outstanding events. In the afternoon, "The Carswell Hall Troubadors", alias Mary and Joe Root, took their fine talents to the stage, singing and satirizing law school life. Beer and flick night featured "The Paper Chase", film shorts and cartoons.

On Thursday evening, Robert E. Lee returned and lectured on "The History of Wake Forest Law School", exhibiting his old charm and wit.

The Law School Board of Visitors met on Friday, and were honored at a reception with students and faculty.

On Saturday, the annual Law Day celebration began with a cocktail party honoring the graduating class, which was sponsored by the Board of Visitors and Lawyers' Alumni Association at Bermuda Run. Among those who extended congratulations to the third year class were Mr. Leon Rice; Mr. Eddie Knox, President of the Lawyers' Alumni Association; Acting Dean Leon Corbett; and newly appointed Dean Donald Scarlett.

The festivities then moved to the Winston-Salem Elks Club for dinner, the presentation of awards and a dance. Patrick Smathers, outgoing president of the Student Bar Association, presided over the evening's activities.

Deborah Glass, Editor of the *Jurist*, presented the newly created *Jurist* Excellence in Teaching Award to Professor Isaac Boyce Covington II. Professor Covington has been a member of the faculty since the fall of 1977.

The *Jurist* - SBA Outstanding Alumnus Award was then presented to the distinguished North Carolina trial advocate, Allen A. Bailey. Linda Stott, President-elect of the SBA, presented the award, and Mr. Bailey was most gracious in his acceptance.

This year marks the retirement of Professor of Law Dr. Hugh Divine, and he was suitably honored by alumni, friends, fellow faculty members and students. Among those who spoke fondly of Dr. Divine were the Honorable Judge Ralph Walker of the North Carolina Superior Court; Professor of Law Marion Benfield, now visiting professor at Duke University; Professor of Law James E. Sizemore; and Dean Donald Scarlett. The alumni then presented Dr. Divine with a substantial monetary gift as a token of their appreciation for his contributions to the Law School. In addition, a library fund was established with SBA contributions, to purchase the 142 volume set of AALS recommended English law treatises, *Classics of English Legal History in the Modern Era*.

The SBA then presented Dr. Divine with a bust, sculpted by an alumna and former student of Dr. Divine, Nancy Smathers. The final award was a plaque from BALSA, honoring Dr. Divine's humanistic teaching style. Dr. Divine then spoke, attributing his success and happiness to his wife, Marian, and to his family and the Law School itself. Dr. Divine will be greatly missed by all of us who love him.

Acting Dean Leon Corbett was also honored for his service to the Law School in his handling of the affairs of the school this past year. He was presented with a beautiful, inscribed clock.

The award portion of the evening ended with the presentation of a spitoon to outgoing SBA President, Pat Smathers, in appreciation for his work as SBA President.

Finally, the formal part of the evening finished, the celebrants danced the night away to the music of "The Continental Divide."

1979 OUTSTANDING ALUMNUS AWARD: ALLEN A. BAILEY

The *Jurist* — SBA Outstanding Alumnus Award was presented to Mr. Allen Bailey at the Law Day Program on April 7. Mr. Bailey received an overwhelming majority of votes for this honor in an election last month by the *Jurist* Board of Editors and the SBA officers.

In nominating Mr. Bailey for this award, Brenton D. Adams wrote, "Allen A. Bailey has distinguished himself as an outstanding trial attorney since he began practice in Charlotte in the early 1950's. His reputation as a skillful, effective trial lawyer has spread throughout the state; and he has frequently been chief counsel in numerous widely publicized trials. During times of great stress, Mr. Bailey has conducted himself as a gentleman in the finest tradition of the 'Wake Forest lawyer'. His high standard of excellence is borne out by the numerous victories he has achieved for his clients throughout the course of his career.

"Allen Bailey has given unselfishly of himself to the task of improving the criminal justice system in North Carolina and of training other lawyers to become equipped in the trial arena. He has served with distinction as a member of the North Carolina Criminal Code Commission since its inception in 1970 and currently serves as Chairman of that Commission. Under his guidance, the Commission has submitted to the North Carolina General Assembly, and the General Assembly has enacted, complete revisions of North Carolina Criminal Statutes. These historic revisions, brought about under the leadership of Chairman Bailey, will make a worthwhile and lasting contribution to the quality of justice for all North Carolina citizens as well as the criminally accused. Mr. Bailey has willingly given of himself by writing and speaking about the various criminal code revisions and has been a frequent contributor to the *Wake Forest Law Review*, as well as a very educational judge in Wake's Trial Court exercises.

"Mr. Bailey is now completing his second year as President of the North Carolina Academy of Trial Lawyers. During his term as President, the Academy has doubled its membership and has enacted new programs and expanded existing programs devoted to the education and training of North Carolina lawyers. One of the new programs created during President Bailey's tenure was the creation of the 'Continuing Legal Education Course in Trial Advocacy'. This program, sponsored along with the Wake Forest University School of Law, is an intensive three-day course devoted to the training of trial lawyers. Since its inception, Allen Bailey has served on the faculty of the course, lecturing primarily on the subject of summations. Mr. Bailey has also lectured extensively in other states as well as in North Carolina upon the subject of trial advocacy.

"Since his graduation from Wake Forest Law School in 1950, Mr. Bailey has been of great service to the Law School. He has given unselfishly of his time and money, and is currently participating as a Senior Partner in the Law School's Partners Program.

"Allen Bailey has long been active in civic affairs and has served as campaign manager in at least two gubernatorial campaigns. He has served as President of the North Carolina State Baptist Convention. He is a faithful and active churchman and has long been teacher of his Sunday school class."

We might add that Mr. Bailey, in addition to being a loyal alum, is also a really sharp guy and quite a character. He drives a long, white Cadillac, admits (and not shyly) to having secured a million dollars' worth of verdicts in the first quarter of 1979 alone, and calculates that every dollar spent on his extensive and expensive wardrobe has returned to him at least a hundred more! (The moral of this story, ladies and gentlemen, is that the good guys *don't* always finish last, and *that* should be encouraging news to all!)

LAW WEEK 1979

James Mason, Jeanne Wilson, Laura Myers at Board of Visitors Reception.

Jim Sizemore

Acting Dean Leon Corbett with time on his hands.

Root and Root, alias "The Carswell Hall Troubadors"

Billings & Billings

Foggy gets a hand

Judge and Mrs. Ralph Walker

"That's all right"

Professors Lauerman and Zick

PASCO M. BOWMAN

"Nobody has all the answers, not even faculty members! We're all students of the law together. There seems to be more of that spirit now than there used to be, and I hope it will continue."

Pasco M. Bowman is currently completing a one-year stint as a visiting professor at the University of Virginia's law school and will assume the deanship at the law school at the University of Missouri at Kansas City this summer. Relaxing at his home here on spring break, Wake Forest's former dean reflected on his eight years at Carswell Hall, offering some insight and advice for those interested in the School of Law.

On the University of Virginia: Well, of course there's a very different atmosphere at Virginia with over 1100 law students. While everyone is very friendly, it's really hard to get to know everybody. It's just not like at Wake where when you walk down the hall you see a lot of people you know.

One good thing Virginia does is to divide the first year class into 12 sections of about 30 students each, and each of these small groups has one of its regular courses together, so they can really get to know one another. I guess it's kind of like "home room." They also have a program equivalent to Wake's Legal Bib, but the faculty is not involved. Second and third year students teach the course, supervised by a non-teaching staff.

One of the things I've been impressed with at Virginia is the extent of alumni support that the law school gets, which is directly related to the fact that they've got so many people in big firms around the country who have done well and are loyal to the school and contribute on an annual basis.

On Wake Forest: I feel good about the way the law school has developed over these past years. I think the law school was a good one when I came there in 1970. Dean Weathers did a tremendous job, especially in securing the original building and developing the nucleus of a good faculty. The explosion of interest in law school in the early 70's was a springboard to Wake's new level of achievement. Enrollment increased, the student body a little more than doubled, the building grew, new faculty members were added and the curriculum was expanded, the scholarship and alumni annual giving programs grew, the quality of the student organizations—Moot Court, Law Review, Jurist—reached a new high. It's hard to isolate all these parts of the law school: it's like Justice Holmes' "seamless web," all are interdependent. If there's one thing I really feel best about it would be the good relationship that I think has come about over the past few years, a good healthy relationship between the students and faculty. I'm not sure that really existed several years ago when there used to be a kind of "us and them" mentality. You were student or faculty and no bridging of the gap. What I've seen develop recently is more of, "No, wait a minute—we're all in this together." None of us knows all the answers; we're all just learning about the law together, which I think is the way law school should be. Faculty members ought not to be there to say, "This is it, here it is," but rather to help students get a framework, a handle on what the law is all about, and to encourage students in their own efforts to teach themselves. . . .

I think right now Wake is at a crossroads: the law school is at a fairly critical juncture. It seems to me there's a good strong base here now on which to build and to continue to make real progress. Wake can be a really good national law school if it wants to be—a school with not just a good regional reputation but a good national reputation as well. A lot of strides have already been made in that direction, toward realizing that goal. I think a basic decision has got to be made that we are not going to turn back the clock and go back in the 50's and 60's and be content with being simply a good local law school. The fundamental question is whether we want to be something more. . . . Real progress depends on whether or not those in control have the desire to build. It will take some resources. It's a question of priorities and how they are established, and I think that's a little bit worrisome. If the right priorities are established, if we're committed to the law school, Wake can be a truly excellent law school, steadily better. On the other hand, if these resources are not put into the law school, then it's going to be a struggle just to retain what has already been achieved. The old cliche is true: if you just stand still, then you're gradually going to slide back because other law schools will be moving ahead. Inflation will take its toll every year. . . . There are many imponderables, and decisions not yet clearly made.

It really is a question of resource allocation. One thing that we were obliged to do while I was dean was to run the law school on a self-sustaining basis. Basically, the law school can't spend anything on your legal education that you don't pay in the form of tuition or that alumni or others don't contribute. I always argued that it really should not have to be on that basis since we're in effect subsidizing other parts of the university. There's no sharing of income from the university endowment or the Baptist fund, in spite of the fact that an investment in the law school is likely to return greater dividends than the same number of dollars poured into marginal programs that benefit only a few people. Not huge, staggering amounts of money, but sums that are well within the reach of Wake are all that's needed.

This may be an area in which, at some point, the law alumni, whose support of the law school in recent years has been outstanding, simply will have to make their voices heard and really in a very forceful way insist that the law school get this consideration, because it's going to be increasingly hard for the law school to meet its expenses, hire new faculty, and cope with inflation.

Tuition can be raised to such a level that the school has been priced out of the market. At some point tuition could become so high that it would no longer be a rational choice for a student to come here if he has the option of going somewhere else with much lower tuition. You may argue that there's something better about the education here, but viewed in a rational way, is it **that much** better? It seems to me that a fresh look at the financing of the law school is very much in order. Meanwhile, it will be vital to have the continuing and growing support of the alumni.

On University of Missouri-Kansas City: The first year I will be learning . . . getting acquainted and assessing the situation. I don't plan to do any teaching during the first year, but that may change. There are 22 faculty members at this point, and they are a quality group.

There are almost 500 law students at Missouri and the capacity for up to 650. We have a beautiful new law building with a very interesting design of faculty suites arranged according to areas of specialty with student carrells and offices and a field library for each department. For instance, there's a wing with the evidence and trial practice people, and another section for the tax and corporate specialists. Every second and third year student has his own individual carrell or office in one of the departments.

I don't have any specific plans for Missouri yet. Alumni giving in a state-supported school should be a challenge. My general goal is to bring Missouri into the forefront of American law schools. It's a dynamic location and there's great potential.

A personal note: I'd like to express sincere thanks to everyone—students, faculty, staff, alumni—who helped to make these years at Wake a happy and rewarding experience. I'll always treasure the friends I've had the privilege of knowing here, and I shall follow the continuing progress of the law school with great interest. I think you're getting a good man in Dean Scarlett. I wish him and the school well in the tasks that lie ahead.

D. M. Glass
March 11, 1979

LEGAL ARTICLES

SPECIAL FEATURE

An attorney in the general practice of law will often find himself or herself representing clients with problems relating to landlord/tenant relations, domestic violence, consumer problems and wage earner plans. These areas of the law touch almost every segment of the population, but seem to have a particularly devastating effect on the poor. It is in this light that the **Jurist** looks at some of those areas of the law in this issue.

The **Jurist** wishes to thank those attorneys who have gained special knowledge of this area by working with the Legal Services Corporation or in the bankruptcy court for their thoughtful, informative contributions.

CONSUMER RIGHTS AND REMEDIES: ACTION ON THE CONTRACT

by Ellen W. Gerber*

The rights and remedies available to the North Carolina consumer have been expanded considerably in recent years by the passage of several new statutes both federally and locally, and by amendments to more established acts.[1]

In general, it may be said that the listed statutes offer the consumer remedies through actions on the note or security agreement, warranties, debt collection practices, and the denial of credit itself. Because the brevity of this article precludes analysis on all points, the following discussion will focus on the statutory rights and remedies available through action on the contract, with particular attention to the federal Truth-in-Lending Act (TILA), the North Carolina Consumer Finance Act (CFA), and the Retail Installment Sales Act (RISA).[2]

Scope. The TILA is applicable to all extensions of credit, payable in more than four installments, for which a finance charge is or may be required, if entered into between creditors who regularly extend or arrange for the extension of credit and consumers who are defined as natural persons who will use the credit primarily for personal, family, household or agricultural purposes,[3]

While that very broad scope encompasses almost all consumer credit transactions, use of the TILA is significantly narrowed by a one year statute of limitations which runs from the occurence of the violation (i.e. the making of the note or agreement), for any affirmative action.[4] In North Carolina, unlike most other jurisdictions, the Court of Appeals interpreted the TILA as also barring counterclaims beyond the one year limit.[5] In fact, the language of *Ken-Lu Enterprises, Inc. v. Neal* suggests that a TILA suit may only be brought affirmatively in North Carolina, and never as a counterclaim even if within the one year period.

The CFA only applies to loans up to $3000[6] between any borrower and a licensee who, because of various limitations in the Act,[7] will probably be a finance company.

The RISA is applicable only to consumer credit sales under $25,000 under the same terms and between the same parties that fall within the scope of the TILA, as described above.[8] However, there is no statute of limitations specified in RISA; the standard ones applying to contracts and security agreements are therefore applicable.

Requirements. Disclosure requirements are at the heart of consumer protection. The most extensive disclosure requirements are set forth in the TILA[9] which delineates what must be disclosed (in some instances even specifying language and print style), and requires disclosure to be made clearly, conspicuously and in meaningful sequence. Furthermore, the disclosures must be either on one side of a paper, above the signature, or if on two sides or more than one paper, the statute has been interpreted to require clear notice of one set of disclosures to the other.[10] The most important requirements concern the finance charge and its components, the Annual Percentage Rate (APR), and description of the collateral or security for the loan. The consumer attorney should be aware that failure to disclose even one required item or failure to place the disclosures in an understandable sequence, is a sufficient basis for a successful suit.

The disclosures required by the CFA[11] track the federal TILA but are much less extensive. The consumer attorney can look at TILA holdings for interpretations, and can argue that they should be applied to what are essentially the same requirements of CFA, but there is no precedent dictating that North Carolina courts must accept those interpretations. Nevertheless, TILA holdings provide insight and suggest a basis for making claims.

RISA disclosure requirements are minimal[12] and by the nature of the statutory remedies (as discussed below), would probably not alone afford a basis for recovery.

In addition to the disclosure requirements, each of the acts discussed has other specified limitations, prohibitions and procedures. Failure to comply would constitute a violation and trigger the penalties provided.

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Finance Charges. The maximum finance charges that can be imposed pursuant to a retail installment sale or by a finance company for the extension of credit, are set forth in RISA[13] and the CFA[14] respectively. These maximums should be regarded as supplemental to the Chapter 24 interest rates applicable to other extensions of credit. The CFA currently permits a 36% interest rate on the first $300 and 18% on the remainder of the loan. RISA permits finance charges as high as 22% per annum if the amount financed is less than $1500. These rates are considerably higher than the maximum interest on consumer installment loans of 15% per annum permitted under Chapter 24.[15] Perhaps because of these high interest rates, there is a greater penalty for any violation of the CFA, or for charging excessive rates in a RISA agreement, than is provided in Chapter 24.

Remedies. An attorney representing a consumer in an action on the note will find that the statutes offer specific and useful remedies. The strongest remedy is found in the CFA which provides that if *any* provision of the Act is violated, the finance company cannot "collect, receive or retain any principal or charges whatsoever with respect to such loan."[16] In practice then, if the court finds as a fact that the CFA has been violated, as a matter of law, the loan is void and the finance company is ordered to refund to the consumer all monies paid in on the loan.

The statutory penalities for violation of the TILA are equally specific. For *any* violation of the TILA, a creditor is liable to the consumer for any actual damages resulting from the failure to comply, plus an amount equal to twice the finance charge (with a minimum of $100 and a maximum of $1000), together with reasonable attorneys' fees if a successful action is brought.[17]

It should be noted, however, that under TILA a successful action does not void the loan; it does give the consumer money equal to twice the finance charge, whether paid or not, and that money may not be set-off against the consumer's debt. A creditor who obtains a judgment against a consumer for defaulting on a loan, only to find that the consumer has no money or property that can be levied on to pay the judgment, must nevertheless pay to the consumer the statutory penalty won in a successful suit on the same note.

Under RISA, the statutory penalities are not as specific and calculable as they are in the CFA and the TILA, with the exception of the penalities for excessive finance charges. The basic penalty for excessive finance charges is the forfeiture of all finance charges for the loan plus payment to the consumer of an amount equal to twice the finance charge paid to the seller.[18] There is also a specific penalty set forth for failure to make rebates as required or for excess charges or fees.[19]

The major remedy provided in RISA is the provision that any knowing and wilful violation of RISA is an unfair trade practice under N.C.G.S. §75-1.1[20] Therefore, if the consumer has suffered actual damages, these will be trebled by the court if the suit is successful.[21]

RISA also contains a provision by which the court can refuse to enforce all or part of the agreement on the ground that it was unconscionable (defined as totally unreasonable under the circumstances) when made.[22] Thus under RISA there is a potential that the loan may be voided and in addition the consumer may receive three times the actual damages, but unlike the TILA and the CFA these penalties are not automatically imposed for a violation with or without actual damages.

This brief discussion is intended primarily to alert attorneys representing consumers to the possibilities provided by these three major statutes. They clearly offer enforceable protection where none previously existed.

1. A list of the major consumer statutes includes the following state and federal laws:
   The Uniform Commercial Code, N.C.G.S. §25-1-101, *et seq.*
   See esp. §25-2-313 *et seq.* on warranties
   §25-2-302 on unconscionable contracts
   §25-9-201 *et seq.* on security agreements
   §25-9-501 *et seq.* on default
   The Retail Installment Sales Act, N.C.G.S. §25A-1 *et seq.*
   The Unfair and Deceptive Trade Practices Act, N.C.G.S. §75-1.1 *et seq.*
   Prohibited Acts by Debt Collectors N.C.G.S. §75-50 *et seq.*
   The Consumer Credit Protection Act (Truth-in-Lending Act), 15 U.S.C. §1601 *et seq.*, and accompanying Federal Reserve Regulation Z, 12 CFR §226
   The Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.*
   Equal Credit Opportunity Act, 15 U.S.C. §1601 *et seq.* and accompanying Federal Reserve Regulation B, 12 CRF §202
   Magnuson-Moss Warranty Federal Trade Commission Improvement Act, 15 U.S.C.§2301 *et seq.* and accompanying Federal Trade Commission regulations 16 CFR §701.1 *et seq.*
2. The reader is referred to other relevant articles in North Carolina journals which focus in greater depth on the various statutes: Comment, *The North Carolina Consumer Protection Act of 1977,* 56 N.C.L. Rev. 547 (1978); Smith, *Consumer Protection in Credit Sales - The 1971 Act,* 50 N.C.L.Rev. 767 (1972); Hafer and Clark, *An Introduction to the Retail Installment Sales Act,* 8 Wake Forest L. Rev. 171 (1972); Comment, *Consumer Protection and Unfair Competition in North Carolina - the 1969 Legislation,* 48 N.C.L.Rev. 896 (1970).
3. 15 U.S.C. §1602 (1976), 12 CFR §226.2 (1978)
4. 15 U.S.C. §1640, §130(e) (1976)
5. *Ken-Lu Enterprises, Inc. v. Neal,* 29 N.C.App. 78, 223 S.E.2d 831 (1976)
6. N.C.G.S. §53-166 (1975). In the current session of the legislature, the old limitation of $1500 was raised to $3000, effective April 13, 1979. 1979 N. C. Sess. Laws ch. 33.
7. *See esp.* N.C.G.S. §53-172 (1975)
8. N.C.G.S. §§25A-1 through 25A-12 (Supp. 1977).
9. 15 U.S.C. 1631 §§121-129 (1976) and Regulation Z, 12 CFR §§226.6-226.8 (1978).
10. Truth-in-Lending Interpretations of Regulations Z, §226.801, National Consumer Law Center, Consumer Law Handbook Series Number 2 (1977).

11. N.C.G.S. §53-181 (1975)

12. N.C.G.S. §§25A-17(c), -22(a), -24, and -28 (Supp. 1977)

13. N.C.G.S. §§25A-14 to -15 (incorporating by reference N.C.G.S. §24-11(a)).

14. N.C.G.S. §53-173 (1975).

15. N.C.G.S. §24-1.2 (Supp. 1977).

16. N.C.G.S. §53-166(d) (1975).

17. 15 U.S.C. §1640(a) (1975).

18. N.C.G.S. §25A-44(1) (Supp. 1977). Compare this provision with that of the TILA, which uses the entire or estimated finance charge as a base.

19. N.C.G.S. §25A-44(3) (Supp. 1977).

20. N.C.G.S. §25A-44(4) (Supp. 1977).

21. N.C.G.S. §75-16 (Supp. 1977).

22. N.C.G.S. §25A-43 (Supp. 1977). There is a good discussion on the concept of "unconscionability" in Whaley, *Unconscionable Claims and the Proposed Bankruptcy Act*, 53 N.C.L.Rev. 1237 (1975).

THE NORTH CAROLINA "LANDLORD - TENANT ACT"

by Paul Sinal*

The "Residential Rental Agreements Act,"[1] more popularly known as "The Landlord-Tenant Act," became effective October 1, 1977. It is a giant step forward in the protection of an increasing number of our citizens who are renters. It provides for the first time that a tenant has an enforceable right to fit and habitable living quarters.

The heart of the Act lies in one sentence: *"The tenant's obligation* to pay rent under the rental agreement or assignment and to comply with G.S. § 42-43 *and the landlord's obligation* to comply with G.S. § 42-42(a) *shall be mutually dependent.* [emphasis added]"[2]

Prior to passage of The Landlord-Tenant Act the doctrine of *caveat emptor* applied to rental property.[3] A tenant bought only possession with his rent money. If the place was a dump, he or she got a dump. Promises by the landlord to make necessary repairs were unenforceable for lack of consideration. Rent money was only for possession. Now, however, there exists an implied warranty of habitability in each lease agreement.

The General Assembly has listed four duties of the landlord.[4] The first of these is that the landlord must comply with the current applicable building code. On the surface this does not seem like a stringent requirement. Owners have already been obligated to comply with the local housing code. Generally, though, municipal enforcement of housing codes has been very slow.[5] What is novel is that the tenant can now proceed directly against the landlord to enforce the housing code.

The second duty of the landlord is to "[m]ake all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition."[6] This provision is broad enough to include all things that an owner should do to maintain the premises properly; everything from fixing the roof and replacing windows to repairing the furnace. The presence of this provision means that the tenant need not rely solely on the standard set by the local Housing Code, as in G. S. § 42-42(a)(1), but can require that all those repairs be made which are actually necessary.

The third duty of the landlord is to "[k]eep all common areas of the premises in safe condition."[7]

The fourth provision of G. S. § 42-42 requires the landlord to "[m]aintain in good and safe working order and promptly repair" various facilities and appliances supplied by him.[8] Here, though, except in emergency situations, the tenant must notify the landlord in writing that the repairs are needed. This notice requirement is not necessary to enforce the three previous duties. It applies to those things the landlord could not reasonably be expected to know if the tenant did not tell him, for example, that the kitchen faucet leaks, that the commode runs constantly, etc.

The Landlord-Tenant Act also imposes certain duties on the tenant. These are basically to keep the premises clean and safe, and to avoid negligent or deliberate damage.[9] In all of these instances, the landlord must notify the tenant in writing of the alleged breach before the tenant's breach becomes actionable.[10]

The most important innovation under The Landlord-Tenant Act is that the landlord's failure to make repairs is now actionable.[11] The issue of damages and remedies is treated in length in Fillette[12] and Brannon.[13] To date, no cases under North Carolina's landlord-tenant law have reached a court of record, but a number of actions have gone to trial in the District Courts. The courts thus far have been willing to award the tenant damages in the form of rent abatement. For example, depending on the circumstances, monthly rent has been reduced between 25-50% until the landlord brings the premises into compliance with the housing code or makes necessary repairs. The courts have even shown some inclination to allow injunctive relief. In the first case to be decided in North Carolina under the new law, the landlord was ordered to make the necessary repairs and rent was reduced by 25% until the repairs were complete. The tenant was also awarded $20 a month damages back to when the law went into effect October 1, 1977.[14]

The tenant's measure of damages should be the fair market value of the premises if they were in a fit and habitable condition minus the fair market value of the premises as they actually are, plus any special damages (such as excessive heating, electric and water bills). This

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would be in accord with existing North Carolina law on damages.[15] Injunctive relief is proper to prevent further deterioration of the premises and consequent irreparable injury to the tenant.

The new Act, however, is not without its pitfalls. The most glaring is its failure to specifically prohibit retaliatory eviction. The eviction or attempted eviction of a tenant who tries to enforce his new rights under the Act is clearly contrary to the intent of the Act, and is also inimical to expressed public policy.[16] Courts elsewhere have held that prohibition of retaliatory eviction is a necessary aspect of housing code enforcement, even if not written into the Code itself.[17]

The second pitfall in the Act is the sentence "The tenant may not unilaterally withhold rent prior to a judicial determination of a right to do so."[18] At first blush, the language is philosophically inconsistent with the mutuality of obligations provision in G. S. § 42-41.

The "mutuality" provision indicates unambiguously that the tenant's obligation to pay rent is dependent on the landlord's obligation to supply fit premises. The tenant is bound if the landlord is bound. But under the "prior withholding" provision, it appears the tenant is bound even though the landlord breaches. The disparate language can only be resolved, if the "prior withholding" provision applies only to the right of the tenant to continued possession. This interpretation makes sense in light of the second sentence of G. S. § 4244(c) which says: "The tenant shall be entitled to remain in possession of the premises pending appeal by continuing to pay the contract rent as it becomes due." In sum, the point of G. S. § 42-44(c) must be continued possession. Its mysterious language should not be used to deny a tenant's claim for damages for past breaches by the landlord.

It is hoped that the courts will give full force and efficacy to the purpose of the Act, and that attorneys will be zealous in enforcing the rights of the increasing number of renters. The new Landlord-Tenant Act is the best hope yet of preventing future slums and upgrading existing housing stock. At the outset of this article, I said that this Act was "a giant step forward," and yet, that people's homes comply with the most minimum standards and that they be fit for human habitation is a very small request.

1. N.C. Gen. Stat. § 42-38 *et seq.* (Supp. 1977).
2. N.C. Gen. Stat. § 42-41 (Supp. 1977).
3. Fillette, *North Carolina's Residential Rental Agreements Act: New Developments for Contract and Tort Liability in Landlord-Tenant Relations,* 56 N.C. L. Rev. 785 (1978).
4. N.C. Gen. Stat. § 42-42(a) (Supp. 1977).
5. Comment *Retaliatory Evictions and Housing Code Enforcement,* 49 N.C. L. Rev. 568 (1971).
6. N.C. Gen. Stat. § 42-42(a)(2) (Supp. 1977).
7. N.C. Gen. Stat. § 42-42(a)(3) (Supp. 1977).
8. N.C. Gen. Stat. §42-42(a)(4) (Supp. 1977).
9. N.C. Gen. Stat. §42-43(a) (Supp. 1977).
10. N.C.Gen. Stat. §42-43(b) (Supp. 1977).
11. N.C.Gen. Stat. § 42-44(a); *see also,* N.C.Gen. Stat. §42-40(1) (Supp. 1977).
12. Fillette, *supra* note 3 at 792 et. seq.
13. Brannon, "North Carolina's New Landlord-Tenant Law," Administration of Justice Memoranda, Institute of Government, Chapel Hill, North Carolina (December, 1977).
14. *Home Real Estate v. Hardy,* 77 CVM 6446 (Forsyth).
15. Fillette, *supra* note 3 at 792; Brannon, *supra* at p. 3.
16. "It is hereby found and declared that the existence and occupation of dwellings in this State are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this State, and that a public necessity exists for the repair, closing or demolition of such dwellings." N.C. Gen. Stat. § 160A-441 (1976).
17. *Edwards v. Habib,* 397 F. 2d. 687 (D.C. Cir. 1968).
18. N.C. Gen. Stat. §42-44(c) (Supp. 1977).

DOMESTIC VIOLENCE BILL S.191

By Carol Spruill*

A bill entitled "An Act to Provide Remedies for Domestic Violence" has been introduced in the North Carolina State Senate by Senators Helen Marvin and Charles Vickery.[1] The bill is a response to the growing awareness of many lawyers, paralegals and other professionals of the extent and severity of the problem of spouse abuse, especially wife abuse.

Many lawyers have experienced the helplessness that arises when a woman walks into their offices and confides that her husband has beaten her, used weapons against her, threatened to beat or use weapons against her, or threatened her life. In some cases the bruises, scars and other wounds are visible.

Frequently the client leaves the office with no place to go but home, either because she is ashamed to turn to friends or family for help, or has no friends or family to help. Sometimes she may be too poor to move herself and her family to a new location or she may lack access to the family funds. Sometimes she has moved to a new location but her husband has followed her and continues to harrass her. Sometimes she may lack the self-confidence to move and be independent of her husband; she may still be emotionally tied to this person who abuses her one day, but begs forgiveness and promises to reform the next day.

She may have experienced difficulty obtaining the assistance of law enforcement officials when she fears danger. She may have had criminal warrants against her husband dismissed because the judge did not want to find the husband guilty when the couple still lives together. She may have dropped the warrant herself because of fear of further violence.

The list of problems encountered in handling this type of case could go on and on. Any lawyer who deals with these problems is frustrated with the limitations of the law.

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The proposed bill tackles the broad problem of domestic violence by clarifying and delineating the law in several different areas: civil protective orders, enforcement of such orders, emergency assistant provisions, domestic criminal trespass, arrest powers of law enforcement officials and provisions for bail.

A proposed Chapter 50A would supplement, and of course, follow Chapter 50 on Marriage and Divorce. Chapter 50A would differ in that it provides safety remedies for couples who live together as spouses, but it would have no effect on the property rights of unmarried couples. This provision has been added because these problems of violence occur in domestic situations whether a couple is married or not, and as one Police Chief exclaimed in exasperation, "When we arrive at the scene of the violence, there is no time to ask to see the marriage license!"

Chapter 50A would change existing law to allow a judge to award possession of a home even without a child support or alimony plea if abuse is involved. In the alternative, the judge might allow the abusing party to keep the home if suitable alternative housing is made available to the victim. The order may include an eviction or direct law enforcement officials to assist the victim in returning to the home. Attorneys' fees may also be awarded.

There is no residency requirement in Chapter 50A. Existing law now denies a divorce from bed and board to a woman who moves out of state with her husband and then flees home again when the husband becomes abusive.

A caveat to all who would use Chapter 50A is that its remedies should be combined when possible with the causes of action in Chapter 50. This is because a Chapter 50A order is effective for only one year.

In Section 50A-4, law enforcement officers are directed to arrest those who have been ordered to refrain from harassing or interfering with the victim, or who have been ordered away from the home, when the officers have probable cause to believe such an order has been violated. As a safety precaution, a certified copy of the order must be shown to the officer or the officer must know of the existence of a certified order by communication with appropriate authorities.

Finally, Chapter 50A would provide emergency assistance to protect victims until they can get to a lawyer. This section directs law enforcement officials to respond and transport victims to hospitals, magistrate's offices or shelters "as soon as practicable" and "where feasible." The officer also would accompany a fleeing victim back to the home long enough to remove a reasonable amount of personal belongings such as clothing and medicine.

The bill also adds to Chapter 14 the crime of Domestic Criminal Trespass. This section is in response to confusion in some parts of the state, notably Forsyth County, over whether an abusing spouse is trespassing if he or she goes to the new home of the victimized spouse. This section would make it clear that such uninvited trespass is a criminal trespass.

The proposed bill will also make additions to bail law by authorizing up to a 24-hour detention of an arrested spouse who is still prone to violence. The magistrate would first have to make a written finding that the health and safety of the alleged victim may be endangered by the immediate release of the defendant. The magistrate may also impose conditions on pretrial release such as ordering the defendant to stay away from the home, school, business, or place of employment of the alleged victim. This changes existing bail law which allows conditions only if no secured bond is required and by allowing detention for this type of crime.

The detention section is one of the most controversial sections of the bill. However, the bill's sponsors maintain that this type of provision has never been held unconstitutional and, in fact, detention of a defendant to protect government witnesses has been sanctioned by the Supreme Court of the United States for much longer periods.

The other highly controversial section of the bill is the mandate to act which has been placed on law enforcement officials. This opposition continues despite tempering the language with such qualifiers as "as soon as practicable" and "where feasible." Some law enforcement officials are supporting the bill, stressing the need for clarifications of the legal parameters for action in crisis intervention situations which they encounter so frequently.

The concept of the Domestic Violence Act originated with a committee created by the Council on the Status of Women. In public hearings held across North Carolina by the Crime Control Commission, the public addressed the horrors of the problem of domestic violence and documented the severity of the situation. Consequently, the former Secretary of the Department of Crime Control and Public Safety, Judge Phillip Carlton, included the problem in his crime control report to the governor; the report supports the idea of corrective legislation.

Governor Jim Hunt has endorsed the legislation and included it in his crime control address to the 1979 General Assembly. Attorney General Rufus Edminsten also supports the legislation.

At this writing, the bill is moving through the legislative process. There is little doubt that the bill will be enacted in some form and will be effective on January 1, 1980. Like the rest of the nation, North Carolinians are seeking ways to bring to a halt this deplorable situation that is affecting so many of its citizens. The Domestic Violence Bill is a step in the right direction.

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1. S. 191, North Carolina General Assembly, 1979 Session.

CHAPTER XIII BECOMES CHAPTER 13

By Richard D. Sparkman*

A. INTRODUCTION

Chapter XIII of the Bankruptcy Act, or the "Wage Earner Plan" as it is commonly known, has been on the books since 1938, when Congress passed the Chandler Act. However, it has only been in the last decade that Chapter XIII has come into its own. The recent popularity of the Wage Earner Plan is due largely to the education of the bench and the bar as to its existence, and to the suitability of such a plan to a debt-ridden client.

It should be noted that Wage Earner Plans, although federal law, are not filed and administered evenly throughout the nation. Chicago, Illinois; Birmingham, Alabama; and the Middle District of North Carolina are the top three wage earner districts in the nation. 934 wage earner cases were filed in the Middle District of North Carolina in fiscal year 1976-1977. By contrast, the entire state of Florida had only 26 wage earner proceedings filed in the same period. The present law allows great latitude to a Bankruptcy Judge in the administration of cases. Therefore, practice and procedure in Chapter XIII cases will vary widely from district to district. This article will discuss the Wage Earner Plan under the present Bankruptcy Act, and offer a comparison between present practice and proceedings under the new Bankruptcy Code.

B. CHAPTER XIII WAGE EARNER PLAN UNDER THE PRESENT ACT

The idea of a Wage Earner Plan was conceived by the post-depression Congress. In 1935, the Attorney General, in a report to Congress, concluded that most people, if given the breathing time, preferred to pay their debts rather than be forced into liquidation and have those debts discharged. Chapter XIII was thus created to fill that need.

In a nutshell, a Wage Earner Plan allows an individual whose principal income is derived from wages, salary, or commissions[1] to consolidate his debts into a single plan to be administered by the Court. Upon filing a petition for relief, an automatic restraining order arises in favor of the debtor, and acts as a stay of the commencement or continuation of any action against the debtor, or the enforcement of any judgment against him, or the continuation of any court proceeding to enforce any lien against his property.[2]

The main objective of a Wage Earner Plan is to repay one's creditors. The debtor's attorney formulates a plan of repayment, and that plan is refined by the Standing Trustee's office. Some plans are "extension" plans which propose to pay all creditors in full; other plans are "compromise" plans which propose to pay a percentage of the unsecured claims. The typical Wage Earner Plan proposes to repay priority, secured, and then unsecured creditors over a three-year period. The plan payment proposed is normally one-fourth of the debtor's take-home pay. Under present law, the proposed plan must be accepted by a majority in number and amount of the unsecured creditors, and by all secured creditors whose claims are dealt with.[3]

There are many advantages of a Wage Earner Plan to a debtor. The plan is designed to break the "debt-cycle" by disallowing interest on unsecured debt and by valuation of collateral on secured claims. When a debtor files a Wage Earner Plan, he knows he will be relatively debt-free at the completion of that plan; there is no refinancing, and he will not be indebted to the same finance company for a number of years without ever reducing the principal amout of the loan.

At the successful completion of the Chapter XIII proceeding, the Wage Earner Court enters an Order of Discharge. This means that, under a compromise plan, the debtor will be discharged from any remaining liability to the creditors for the unpaid balance. In addition, the debtor will be discharged from all listed creditors who fail to file claim. A Discharge does not release debts representing taxes, alimony, willful and malicious injury, false pretenses or false representation.[4] An unlisted or unscheduled debt is also not discharged unless that creditor had actual notice within such time to file his claim with the Bankrupcty Court.[5] (Secured creditors must file their claim on or before the conclusion of the first creditors meeting. General claims must be filed within six months from the date of the first creditors meeting).[6]

C. CHANGES UNDER THE 1978 BANKRUPTCY CODE

(1) Under the present Act, a majority in number and amount of unsecured creditors must vote to accept the plan before it can be approved by the Court. The new Bankruptcy Code does away with the voting requirement. Instead, the Bankruptcy Court must find that the proceeding was filed in good faith, and that the creditors would receive more from a Chapter 13 proceeding than they would from straight bankruptcy.[7]

(2) The automatic stay provisions of the present Act extend only to the debtor and his property. His creditors are therefore free to pursue their remedies against any cosigners. Because this has worked a hardship and indeed has frustrated many Wage Earner Plans, the new Bankruptcy Code extends the protection of the Federal Court to a cosigner for the duration of the Wage Earner proceeding. The protection is not afforded if a cosigner was in fact a co-debtor and actually received consideration, or if he cosigned in the regular course of business.[8]

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*The author received his B.A. **cum laude** from Mars Hill College in 1972, and his J.D. from Wake Forest in 1975. From 1975-1977 he was Law Clerk to the Honorable Rufus W. Reynolds, Bankruptcy Judge, Middle District of North Carolina. In 1977, Judge Reynolds appointed him to his present position of Standing Trustee in Bankruptcy for Winston-Salem and the surrounding eight-county area.

(3) A debtor's eligibility under the present Act is limited to an individual wage earner "whose principal income is derived from wages, salary or commissions." This has been liberally construed to include social security payments, and unemployment compensation. The present Act has no dollar limitation. Joint petitions may be filed by husband and wife.[9] Eligibility is greatly expanded under the new Code to allow a Chapter 13 proceeding to be filed by "any individual with regular income." The debtor may thus be self-employed, and the total debt can not exceed $350,000.00 in secured and $100,000.00 in unsecured claims.[10] Therefore, under the new Code, your "corner Mom & Pop grocery store" could now file a streamlined Chapter 13 proceeding instead of a more cumbersome and expensive proceeding under Chapter 11.

(4) Although the duration of a Wage Earner Plan was not expressly provided for under the old act, it was more or less understood that a Wage Earner Plan should last 36 months. Under the new Code, it is expressly stated that a "plan may not provide for payments over a period that is longer than three years unless the Court, for cause, approves a longer period, but the court may not approve a period longer than five years."[11]

(5) The present Act provides for a "hardship discharge" whereby a debtor who has been under the plan for at least 36 months can nevertheless obtain a discharge even though he has not successfully complied with all provisions of the plan, if the failure is due to hardship beyond his control.[12] Under the 1978 Code, hardship discharges can be granted at any time during the proceeding if the Court finds that the creditors have received at least as much as they would have through liquidation. The granting of hardship discharges is discretionary with the Court.[13]

(6) One cosmetic change is the switch from the roman numeral Chapter XIII to the arabic Chapter 13. Since the "Wage Earner Plan" will now be expanded to include self-employed individuals, there may be a name change in the wind. One such possibility is "The Debtor Relief Plan."

D. SUMMATION

It is the author's opinion that an attorney in the Middle District of North Carolina will not see much change in the administration of Chapter 13 proceedings. Congress has simply codified much of what this District has already been practicing, i.e., paying tax claims on a deferred basis,[14] paying long term debts without the requirement of full payment during the life of the plan,[15] "paying creditors with property as well as cash,[16] etc. The "major"changes that will affect the administration of cases in this District are the protection of cosigners, the removal of the voting requirement, an expanded eligibility to include the self-employed.

1. Bankruptcy Act § 606 (8), 11 U.S.C. § 1006 (8) (1976).
2. Bankruptcy Rule 13-401 (a).
3. Bankruptcy Act, § 652, 11 U.S.C. § 1052 (1976).
4. Bankruptcy Act, § 17, 11 U.S.C. § 35 (1976).
5. Bankruptcy Act, § 17 (a) (3), 11 U.S.C. § 35 (a) (3) (1976).
6. Bankruptcy Rule 13-202.
7. 11 U.S.C. § 1325 (a). (Cum. Supp. 1977).
8. 11 U.S.C.A. § 1301. (Cum. Supp. 1979).
9. Bankruptcy Rule 13-111.
10. 11 U.S.C.A. § 109 (e). (Cum. Supp. 1979).
11. 11 U.S.C.A. § 1322 (c). (Cum. Supp. 1979).
12. Bankruptcy Act, § 661, 11 U.S.C. § 1061 (1976).
13. 11 U.S.C.A. § 1328 (b). (Cum. Supp. 1979).
14. 11 U.S.C.A. § 1322 (a) (2). (Cum. Supp. 1979).
15. 11 U.S.C.A. § 1322 (b) (5). (Cum. Supp. 1979).
16. 11 U.S.C.A. § 1322 (b) (8) (Cum. Supp. 1979).

The Jurist salutes Joseph Branch (Class of 1938), who addressed the Class of 1979 at the Hooding Ceremony on May 20 and was appointed Chief Justice of the North Carolina Supreme Court by Governor Hunt on May 24.

CLASS NOTES

1911

A. J. Fletcher (1887 - 1979), one of the Law School's most dedicated and generous supporters, passed away April 1. The Fall Jurist will feature an article on Mr. Fletcher's life and humanitarian contributions.

1939

Gordon A. Phillips of 750 Brunswick Avenue, Trenton, N. J., reports that his son-in-law, Russell Eliason (ex-70), is currently a federal magistrate for the Middle District of North Carolina.

1946

Seavy A. Carroll, after serving as District Court Judge for the 12th Judicial District (1970-1974), is currently engaged in a general law practice in Fayetteville. His office address is 115 South Cool Spring Street, Fayetteville, N. C.

1958

L. Bruce McDaniel and *C. Diederich Heidgerd, '72,* have recently formed a partnership for the general practice of law. Their office address is 333 Fayetteville Street Mall, Raleigh, N. C. Mr. McDaniel and his family reside at 1201 Granada Drive, Raleigh, and Mr. Heidgerd and his family reside at 1757 Brooks Avenue, Raleigh.

1961

Philip B. Whiting and *T. Paul Hendrick,* 1973, are partners in the newly formed firm of Whiting, Horton and Hendrick, Suite 450 Plaza, Winston-Salem, N.C. 27102.

1965

Ellis L. "Sonny" Aycock is currently co-director of Catawba Valley Legal Services, P. O. Box 1733, Morganton, N. C.

1970

Edgar B. Gregory and his wife proudly announce the birth of their first child, Edgar Bernard Gregory, Jr., on May 22, 1978. Mr. Gregory is a partner in the firm of Gregory and Joyce, Court Square, Wilkesboro, N. C.

Chester Gitt Schultz and his wife, Sally Jackson Schultz, proudly announce the birth of their third daughter, Lauren Jackson, on November 27, 1978. Mr. Schultz is now a partner in the firm of Bulleit and Schultz, Adams County National Bank Building, Lincoln Square, Gettysburg, Pa., engaged in the general practice of law.

1972

William H. Andrews has been re-elected to another four-year term as District Attorney for the Fourth Judicial District. Mr. Andrews' address is P. O. Box 1282, Jacksonville, N. C.

Herschel Clinton Cheshire is a partner in the general practice firm of Farthing and Cheshire, Box 3386, Hickory, N. C.

E. Alex Erwin, III, was appointed by Governor James B. Hunt, Jr., as District Court Judge for the Fourth Judicial District. Mr. Erwin is married to the former Sally Edwards and they reside at 1012 Greenway Drive, Jacksonville, N. C.

1973

James R. Foley is a partner in the Legal Clinic of Foley and Morgan, 2006 Franklin Street, Suite 110, Huntsville, Alabama. The Legal

Clinic, which advertises and is designed to reach middle income groups, was the subject of a front page article in the February 25, 1979 edition of the Huntsville Times.

James B. Spears has become a partner in the firm of Haynsworth, Baldwin and Miles, P.A., Greenville, South Carolina 29603.

1974

William Joseph Burns and *R. Michael Wells* are now partners in the firm of Billings, Burns and Wells, Suite A, Lower Plaza, NCNB Building, Winston-Salem, N. C.

Richard L. Coffinberger is practicing law in Fairfax, Virginia.

Henry W. Gorham completed four years' service with the Judge Advocate General's Corps of the U. S. Air Force in the summer of 1978 and is practicing law with Frank Wooten in Greenville, N. C.

Joel L. McConnell, Jr., is Legislative Counsel to the Independent Bankers Association of America, Washington, D. C.

1975

James F. Bailey, former Director, Division of Business Administration and General Services for the State of Delaware, is now a member of the firm of Berg, Aber and Heckler, P. A., One Customs House Square, Customs House Plaza, Wilmington, Delaware.

David Alan Chambers has moved his practice to a new office at 113 S. Second Street, Albemarle, N. C. (P. O. Box 1046), which is next door to the Stanley County Courthouse. Mr. Chambers and his wife have two children, David Alan, III, age two, and Christine Michelle, age four months.

Danny G. Higgins has been appointed Assistant District Attorney for the Seventeenth Judicial District. Mr. Higgins' business address is P. O. Box 35, Wentworth, N. C.

1976

Dennis R. Ayers has joined Stanley M. Herman, a 1965 alumnus, for the practice of law in High Point, N. C., in the firm of Herman and Herman.

Robert B. Hulbert, Jr. is Assistant District Attorney for District 19B in Asheboro, N. C.

George A. Kaneklides has recently been appointed by the International Executive Board of Phi Alpha Delta Law Fraternity to the position of District XVIII Justice. The District includes PAD chapters at law schools within the states of Virginia and North Carolina. Mr. Kaneklides is currently engaged in private practice in Raleigh and is a member of the North Carolina Council on Juvenile Justice and Delinquency Prevention.

Irvin R. Sink, formerly associated with the firm of Leonard and Snyder in Lexington, has just opened a private practice at P. O. Box 1144, Lexington, N. C.

1977

K. Dean Black is currently associated with C. E. Leatherman in the general practice of law, at 201 South Poplar Street, Lincolnton, N. C.

William P. Creasman has joined the legal staff of Blue Bell, Inc., Greensboro, N. C.

Kathleen A. Gray was awarded the degree of Masters in Business Management from Drexel University in June, 1978. Ms. Gray is currently associated with Bailey, Snyder, Cooper & Barker, 115 East King Street, Lancaster, Pa.

David K. Haynes is the Assistant District Attorney in Collin County, Texas. Mr. Haynes resides at 5759 Pineland Drive, Apt. 1075, Dallas, Texas.

David R. Maraghy is associated with Clark, Wharton & Tanner in Greensboro, N. C.

Daniel Mercer is a Legal Consultant and Compliance Officer with First National Bank & Trust Co., Veverly, New Jersey.

Manes Merrit is associated with Emment, Marvin & Martin, 48 Wall Street, New York, N. Y.

James L. Miller is Assistant District Attorney for the 4th Judicial District in Jacksonville, N. C.

Sandy Greene Pittman is a member of the firm of Seawell, Pollock, Fullenwider, Robbins & May, P.A., Southern Pines, N. C.

James K. Phillips is with the legal staff of Fieldcrest Mills, Inc. in Eden, N. C.

John W. Stone, Jr., is associated with the firm of Wolfe and Prince in Kernersville, N. C.

Michael J. Zidonik is currently an Assistant Prosecutor in Union County, N. J. Mr. Zidonik resides at 66A Troy Drive, Springfield. N. J.

1978

John D. Kersh, Jr., of Gastonia, now residing at 3010-2 Buford Hwy. in Atlanta, Ga., received his Ll.M. from Emory University in May 1979.

Steve C. Shuff is an assistant prosecuting attorney for Seneca County, Ohio, and is also associated with Thomas R. Spellenberg Law Offices in Tiffin, Ohio. Mr. Shuff's wife, the former Lucretia McCulley of Lake Junaluska, N. C., works at the Children's Dept. of the Tiffin-Seneca Public School and is a substitute teacher for the Tiffin City schools.

Steven D. Simpson married Peggy Anita Deibert of Winston-Salem on April 28, 1979 and will live in Miami, Florida where Steve is associated with the firm of Bradford, Williams, McKay, Kimbrell, Hamann, & Jennings.

1978

Listed below are new addresses for 1978 graduates which were not included in the Jurist's fall issue.

Linda S. Beerman
821 Fenimore St.
Winston-Salem, NC
Trust Dept., Wachovia Bank

Roy M. Bickett
303 North Rowan Ave.
Spencer, NC 28159
(Rowan Dept. of Social Services)

James Ray Blevins
1171 Foxhall Dr.
Winston-Salem, NC
Claims Attorney, Integon Insurance

James Donald Bradsher, Jr.,
Investor's Title Company
Chapel Hill, NC 27514

Glen Everett Cannon
c/o Robert Lock
P.O. Box 592
Fayetteville, NC 28540

Edward M. Coman
Trust Dept., Wachovia Bank & Trust Co.
Winston-Salem, NC

John C. Cooke
Associate Attorney
Wake County
P.O. Box 550
Raleigh, NC 27602

Thomas L. Fitzgerald
Ramsey, Hubbard & Galloway
Roxboro, NC

Jeremy Flachs
6708 Tower Drive
Alexandria, Virginia 22306
(Practicing in Washington, DC)

Manlin M. Forgay
Human Relations Dept.
City of Greensboro, NC
Drawer W-2
Greensboro, NC 27402

Timothy S. Fowler
296 Allendale Ave.
Allendale, NJ 07401
(Practicing in Paramus, NJ)

Garry W. Frank
Route 5
Lexington, NC
(Opened own office)

Robert H. Friend
3304 Gaston Drive
Pfafftown, NC
With E. H. Cannon & Co., Accountants

Mel Joseph Garofalo
Cruciano & Falls
1008 Cameron Brown Bldg.
Charlotte, NC 28204

Robert Charles Georgiade
Duke University Counsel's Office
Durham, NC

David R. Godfrey
Sauage and Godfrey
112 N. Salem Street
Suite One
Apex, NC

Richard H. Heller
Weisman, Celler, Spett, Modlin
& Wertheime
425 Park Avenue
New York, NY 10022

Bruce A. Herald
1158 Lake Drive
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Firm: Aglow, Litvin & Booe

William R. Hitchins
U.S. Navy JAGC

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Ivey & Harris
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Greensboro, NC 27402

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John W. Jelich, III
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(Adm. Asst. to District Attorney - 10th Judicial District, Raleigh, NC)

Alvin M. Johnston, Jr.
Claims Attorney
Integon Insurance Co.
Winston-Salem, NC

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213 Florence Road
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(Opened own office)

Cathy Ellen Krinick
Assistant Commonwealth Attorney
247 - 28th St.
Newport News, VA 23607

Thomas K. Leeper
P.O. Box 12
Lima, Ill. 62348
Assistant State's Attorney For Ill.

Karin B. Littlejohn
Margaret L. Sharpe
Littlejohn & Sharpe
3000 Maplewood, Suite 102
Winston-Salem, NC 27103

Lawrence Donald Long, Jr.
Moore & Keith
Suite 405, First Center Bldg.
Winston-Salem, NC 27104

James Parker Lumpkin, II
Lumpkin Management Corporation
Louisburg, NC 27549

Bruce Mackintosh
Eubanks, Walden & Mackintosh
503 NCNB Plaza
Winston-Salem, N. C. 27101

Marva L. McKinnon
N.C. Department of Cultural Resources
Archives - Library Building
109 East Jones Street
Raleigh, NC 27601

Paul R. Mitchell
US Marine Corps

Ronnie M. Mitchell
Brown, Fox, Deaver & Sweeny
Suite 312, New First Citizens Bldg.
Fayetteville, NC 28301

Robert M. Moose
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Winston-Salem, NC

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Securities and Exchange Commission
500 N Capital St.
Washington, DC

Joseph Lloyd Nault
Aiken & Ward
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Atlanta, GA 30318

Michael Oristano
548 Alda Road
Mamaroneck, NY 10543
(With the FBI)

Marian Faye Parker
Research Law Librarian
Duke University Law Library
Durham, NC

David Michael Parker
Graham & Cheshire
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Hillsborough, NC 27541

Pamela G. Peacock
Equitable Life Assurance Society
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Washington, DC

David T. Phillips
Box 27
Kenansville, NC

Steven Payne Pixley
Dolley & Katzenstein
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(Clerk, US Magistrate for Middle District of NC)

Michael Thomas Russell
US Army JAGC

Janet Ruthven-Hagen
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With Trust Dept., North Carolina National Bank

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(Opened own office)

Barbara D. Smith
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Danville, VA 24541
(Opened own office)

Mark S. Thomas
US Army JAGC

John Richard Townsend
Page & Britt
Lumberton, NC

Robert C. Viar
Craft & McGhee
3 N. Franklin St.
Christiansburg, VA 24073

Henry B. Wansker
Asst. D.A., 20th Judicial District
P.O. Box 1075
Monroe, NC

Dovey Edward Watson, Jr.
First Union Nat'l Bank Building
113 East Nash Street
Wilson, NC

Richard Alexander Williams
Williams, Pannell & Lovekin
25 N. Brady Ave.
Newton, NC 28658

B. Jeffery Wood
Suite 360 NCNB Plaza
Winston-Salem, NC 27101
(Opened own office)

Guest speaker Mr. Peter P. M. Taylor

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Are You Engaged In A General Practice of Law? _____

List All Public Office, Professional, and Civic Honors and Activities, With Dates:

_____

_____

Please Give Brief Account Of Personal Items Of Current Interest: (Recently Married, Birth Of A Child, Current Professional Positions, Professional Plans In The Immediate Future, etc.) _____

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